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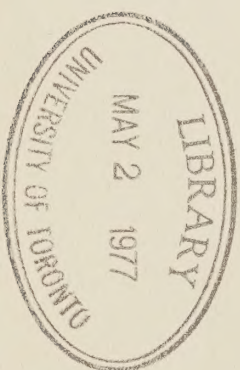
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THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

Proceedings of Select Committee  
regarding Collective Bargaining  
between Employers and Employees.

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SIXTH DAY

EVENING SESSION.

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INDEX TO CONTENTS

Submission by Dr. David Shugar on behalf of The Association of Technical Employees, p.	518
Submission by F. Andrew Brewin on behalf of United Steel Workers of America,.....	524
Submission of Local Union No. 1005, United Steel Workers of America,.....	578
Representations of The Canadian Federation of Labour - Introduction by Mr. A. Meikle, President,.....	591
Canadian Westinghouse Employees' Association,	623
National Seamen's Association,.....	632

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INDEX TO WITNESSES

Dawes, Philip P.,.....	p.517
Shugar, Dr. David,.....	518
Brewin, F. Andrew, .....	524
McClure, Thomas William,.....	578
Cavanagh, Patrick,.....	589
McClure, Thomas William, (recalled),.....	590
Burford, W.T.,.....	595
McKelvey, J.R.,.....	623
McMaster, Herbert N.,.....	632
Ferguson, Dewar,.....	642

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List of Exhibits.

No. 66,	Pamphlet entitled "Victory Needs Steel",... p.	529
67,	Constitution of International Union, United Steelworkers of America, C.I.O.,...	554
68,	Audit Report dated May 1st to November 30th, 1942,.....	556
69,	Brief of Local Union No. 1005, United Steel Workers of America,.....	578
70,	Constitution and By-Laws of the Grand International Brotherhood of Locomotive Engineers,.....	614
71,	File of documents deposited by Mr. Pat Sullivan,.....	623
72,	Constitution and by-laws of Canadian Westinghouse Employees' Association,.....	628
73,	Literature describing Canadian Westinghouse Employees' War Services and Charities Fund, also Canadian Westinghouse Company Benefit Fund,.....	632

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EVENING SESSION.

--- On resuming at 7.30 p.m.

THE CHAIRMAN: All right, gentlemen; will you come to order, please?

Mr. Furlong, what is the business for this evening?

MR. FURLONG: The first association to be heard to-night, Mr. Chairman, is the Association of Technical Employees, represented by Mr. Dawes.

Mr. Dawes, will you come here and take the oath?

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ASSOCIATION OF TECHNICAL EMPLOYEES.

PHILIP P. DAWES, (sworn),

EXAMINED BY MR. FURLONG:

Q. Mr. Dawes, tell me what is the Association of Technical Employees?      A. Mr. Chairman and gentlemen, the Association of Technical Employees is briefly described in the brief we are submitting to-night.

It is only my intention to communicate or announce to you that our National Secretary is also going to submit and present this brief. A number of our delegates and people from out of town are not able to be here. We had a large number scheduled to appear. A number of them, also, are working over time.

Is it approved by the committee that Dr. Shugar shall read this brief?

THE CHAIRMAN: Yes.

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DR. DAVID SHUGAR, (sworn),  
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EXAMINED BY MR. FURLONG:

Q. Doctor, will you proceed with your brief, please?           A. With pleasure.

"The Association of Technical Employees, a national organization chartered directly by the Trades and Labour Congress of Canada, includes amongst its members, architects, engineers, chemists, draughtsmen and technicians. These are organized into branches, or locals, situated mainly throughout the Provinces of Ontario and Quebec, and includes members as far west as Vancouver.

In view of the presentation of our parent body, the Trades & Labour Congress of Canada, the other day, we feel that it is unnecessary for us to review the basic needs of a genuine collective bargaining bill.

The Association of Technical Employees fully endorses and subscribes to the brief presented to this committee by the Trades and Labour Congress of Canada.

We do feel, however, that it is necessary to bring the status of the engineer and technician, as determined under present Federal legislation, to your attention.

Following a dispute between our Association and certain companies in 1941, the A.T.E. applied for a board of conciliation. Objection was taken to this by the companies concerned on the grounds



that our members were not employed as defined under the Industrial Disputes Investigation Act. The Department of Justice supported this and ruled that the work of technicians involved the application of 'scientific knowledge or imagination' as distinct from manual or clerical skill; and that such persons were not included in the category of the term employee under the Act.

No one will dispute the importance of the 'scientific knowledge and imagination' of the engineer and technician in this highly mechanized war which requires all the technical skill at our disposal. It would therefore appear obvious that the specialized training of the technician should not stand in the way of his being permitted to bargain collectively with his employer for better working conditions.

It was partly in recognition of these facts that the Department of Labour, in response to briefs submitted by this Association, partially remedied this ruling by including technicians within the meaning of the term employees in Order-in-Council P.C. 10802 which provides for collective bargaining, although not compulsorily, in Crown companies. Thus in Crown companies technical personnel now enjoy the same standing as other employees with regard to collective bargaining.

We believe that similar provision should be extended to technical employees in all other sections of industry. We would like to bring to your



attention the fact that in Great Britain and the United States technical men enjoy the full benefits of all labour legislation and large organizations of technicians have been functioning for years.

We hold that any collective bargaining bill should clearly and unequivocally recognize technical personnel as employees under the provisions of the bill.

One further point. This morning the spokesman for the Canadian Manufacturers Association stated that he did not believe there were many cases of the use of fear or intimidation on the part of employers towards employees joining a union.

It has been our experience that the contrary is the case. Throughout the four years of our existence the growth of our organization has been continually hindered by employers who have, by threats of dismissal and by actual dismissal, discouraged membership in our organization.

We believe the bill to be proposed by this committee should provide for penalties against employers who exercise discrimination against an employee to prevent him from joining an organization of his own choosing."

Q. Am I to take from this that your organization is a union to which technical employees are attached, or of which it is organized?           A. Correct.

Q. In other words, you are a union and your membership is confined to these technical employees?

A. That is correct.



Q. What you propose is that where there is a majority of technical employees who desire to be unionized in your union you should be the bargaining agent? Is that it? A. That is correct.

Q. Your organization. There are very few technical employees in most companies. Is that right?

A. The number of technical employees in any company is generally a small number compared to the total number of office and stock employees.

Q. Such as engineers, architects---?

A. But, on the other hand, there are a number of firms in which the size of the technical staff will run into several hundred, not necessarily of university graduated engineers, but a good many technically trained people.

MR. ANDERSON: Q. What would they include?

A. I mentioned at the beginning that the people included are draughtsmen, engineers, chemists---

Q. Machine designers? A. Not necessarily; depending on just what his work is. If he is a machine designer in the draughting-room---

MR. FURLONG: Q. How many members have you at the present time? A. We have not the exact number, but it was over 600 at the beginning of this month.

Q. And, is that throughout the Dominion or throughout the province? A. That is mainly in Quebec and Ontario. We have some in the West.

Q. How many in Ontario? A. In Ontario it would be about 325.



Q. Have you a number of locals in Ontario?

A. Yes; there are some.

Q. How many? A. Five locals in Ontario.

THE CHAIRMAN: Will you speak up, doctor?

THE WITNESS: I am sorry. There are five locals in Ontario.

MR. FURLONG: Q. Are there any other unions of a similar nature in Ontario? A. None to our knowledge.

Q. You are the only one? A. Yes.

Q. Rather, yours is the only one? A. Yes.

Q. Have you a parent body?

A. The Trades and Labour Congress of Canada.

Q. I see; the A. F. of L. I think that is all.

A. We are directly chartered by the Trades and Labour Congress.

Q. You are really a subsidiary? A. We are actually independent.

MR. DAWES: We are a national union.

MR. FURLONG: Q. You are not international?

A. No.

THE CHAIRMAN: Any questions any members of the committee would like to ask, or are there any questions by interested counsel or other parties they would like to ask the witness now?

I would like to ask this question of the doctor:

Q. To what extent has this union baiting or attempted union busting been carried on by employers so far as your men are concerned? A. I think I outlined the one method.



Q. I saw that. That was one of the methods employed -- to dismiss, or threaten to dismiss a man unless he refrained from joining a union. To what extent have you found that on the part of the employers? Is it widespread, or are there a number of employers who act that way?

MR. DAWES: I think I can answer that better than Dr. Shugar.

THE WITNESS: Yes.

MR. DAWES: We have found in the early stages after organization had proceeded over a certain period fairly quietly and we were able to enlist a large number of technical staffs intimidation was cut down, but as we moved into certain organizations and certain plants and the knowledge of this came to the attention of certain employers, then intimidation did take place fairly quickly.

THE CHAIRMAN: Thank you. Are there any further questions?

MR. FURLONG: No further questions.

If that is all you have to say, doctor, thank you.

---

MR. FURLONG: We will now call on the United Steel Workers of America, at Hamilton, represented by Mr. McClure, and represented at Toronto by Mr. F. A. Brewin.

I may say Mr. Brewin has been sitting here now for a couple of weeks with us. I hope he will not repeat himself.

THE CHAIRMAN: I hope he is not prejudiced.

MR. BREWIN: I have a lot of material. I think it



would be convenient if I distributed copies of a brief which I have to members of the committee.

THE CHAIRMAN: First, you had better be sworn.

---

UNITED STEEL WORKERS OF AMERICA.

F. ANDREW BREWIN, (sworn),  
-----

EXAMINED BY MR. FURLONG:

Q. Mr.Brewin, is the United Steel Workers of America affiliated with the Congress of Labour?

A. Yes, it is, Mr. Chairman and Mr. Furlong. As you will see in the opening paragraph of our brief we explain that the United Steel Workers of America have approximately 25,000 members in Ontario. The Canadian section is affiliated with the Canadian Congress of Labour. The International Union is affiliated with the Congress of Industrial Organizations.

Q. Is this international? A. Oh, yes, I will give you a copy of our constitution later, if you like.

Q. Very well. A. I think perhaps the best way to proceed would be to read the brief and perhaps to make a few comments as I go along.

THE CHAIRMAN: Very well.

THE WITNESS: I must say to the committee I am rather sorry to be bringing this matter on at this hour of the night, but the difficulty is that we have some people from Hamilton who have been here all day. They want to get back. That is the reason for it coming on now:

"The United Steelworkers of America have



approximately 25,000 members in Ontario. The Union has a large number of locals in the United States of America, and Canada and its total membership on January 15, 1943, was 725,625. The International Union is affiliated with the Congress of Industrial Organizations. The Canadian section is affiliated with the Canadian Congress of Labour.

The representatives of the Canadian Congress of Labour, Mr. Mosher and Mr. Conroy, have already put before your Committee very clearly and forcefully the need for collective bargaining legislation and the views of the unions which are represented by the Congress"

including, of course, the United Steel Workers. It is not necessary to repeat what they have said and nothing I am going to say will conflict with any of their representations.

"As a matter of fact, the representations of the Trades and Labour Congress of Canada are also to the same effect, so that your Committee will find that labour speaks with a united voice on the necessity for this legislation."

I do not think there is any difference, in substance, between what we are going to say and what the Canadian Congress has said and what the Canadian Labour Council Congress has said.

"The Steelworkers are, however, making these submissions through me to supplement the submissions already made on their behalf by the Canadian Congress of Labour because their experience as a large industrial union develop-



ing very rapidly will enable them to be of particular assistance to the Committee. It may be also that the Committee may wish to inquire into the organization of a large industrial union and the Steel-workers, as a typical example, would be glad to supply any information that the Committee may require."

If I may stop here and say that steelworkers in the United States, as I have explained here, are associated with the C.I.O., and if there are any questions about the organization of our unit any committee member wants any information in respect of we will be very glad to answer those questions.

The next paragraph deals generally with the subject of collective bargaining.

"The first question which the Committee must ask itself is whether it is in favour of the institution of collective bargaining. General acceptance of collective bargaining in principle at the present time is expressed by all. We only wish to emphasize in this connection that in our experience we have found that collective bargaining not only leads to harmony and the absence of industrial strife and of the loss of production that results therefrom, but that it also leads to fuller production, to security and towards increasing the stature, wellbeing, dignity and happiness of the individual worker. Collective bargaining is the means whereby labour and the employer are brought into a kind of partnership."



I am not going to enlarge on that except to say it is the very sincere feeling of our members that that is the fact and it is not any formal expression which is put in this brief.

"At the present time in Ontario industrial workers are only organized in independent unions to the extent of about 25%. The further extension of collective bargaining has been made impossible by the hostility of management and the complex of fear which has dominated many industrial workers. We believe that no more important contribution could be made to the winning of the war than the growth of a strong, dynamic and all-embracing labour movement in this industrial province. It is sometimes said that the absence of actual industrial disturbances is an indication that workers are satisfied. We believe that a long course of paternalism has in many cases created a false impression. Workers who are not represented by independent unions and who do not enjoy collective bargaining are not satisfied with their status but have lost, through fear, the means of expressing themselves. If it is said to this Committee that workers are satisfied with anything less than genuine collective bargaining in unions free from employers' control and domination, we can only say that this is entirely contrary to our whole experience and our knowledge of the industrial workers. Workers crave to be recognized as human beings, to be treated with



respect, to be given the opportunity to find satisfaction in their daily work through the free play of their inherent creativeness. Collective bargaining is a means to this end as well as a protection for their security of employment, wage rates and working conditions. We believe that the creative participation of workers in the planning of their own industry through collective bargaining and union-management co-operation is the key to full production. However inadequately it may be expressed, this hope for industrial democracy is a powerful weapon with which to stimulate the morale of the people who are called upon to bear the heavy strain of long hours and arduous conditions in war industry. Your Committee, therefore, is faced with an urgent task."

I wonder if I might stop here for a moment and ask the committee when they have time to look at this pamphlet which I am now producing and which the steel workers got out in the early stages of the war to show our views on this are not suddenly arrived at for the purpose of impressing the committee but have been the basis of the attitude of the representatives of the steel workers from the very beginning of the war, that this is not any glib patriotic sentiment just to impress this committee, but is the very basis of the outlook of our members. I think when the committee have taken time they will find the pamphlet extremely interesting to show the contributions the steel workers have been seeking to make from the very beginning. This is very near the



beginning of the war, anyway.

I will not take time to read it now. I hope the committee with all its arduous duties will find time to look at it, because they will find it interesting.

---EXHIBIT NO. 66: Pamphlet entitled "Victory Needs Steel."

MR. LABEL: Q. Tell the committee on what date this pamphlet was issued. A. It has a date on it, I think. I have given out all my copies, sir. I think it has a date in the introduction, probably. The date I see is December, 1941. I think it was about that time. It was more than a year ago, at any rate. I am sorry I cannot give you the exact date. I thought it would be there.

THE CHAIRMAN: I am reading from page 8. It says:

"In the financial section of the Toronto Globe and Mail for March 19th, 1942," and so on. It must have been after that date.

THE WITNESS: I am told it was about a year ago. I am sorry I cannot give you the exact date.

MR. OLIVER: Then it would not be at the start of the war.

THE WITNESS: No. I am wrong about that. It reviews the position, the sort of position they have taken from the beginning.

I think perhaps I had better resume dealing with my brief.

"Assuming that collective bargaining is, therefore, desirable, not in one part of industry



but throughout industry,---"

We believe it is not satisfactory that collective bargaining should be part of the industrial picture. We want to see it extended because we think it is good in itself and helpful to the community as a whole. We wish to see it extended throughout industry.

"the problem of legislation is to create the conditions under which such collective bargaining can come about with a minimum of friction and disturbance to the industrial effort.

The second question that the Committee has to consider is whether or not there is need for compulsory collective bargaining legislation in Ontario. The Steelworkers wish to support emphatically the statement that such legislation is necessary. It is not profitable to discuss whether it is a majority or minority of employers who resist collective bargaining, nor to consider how large such majority or minority may happen to be. The Minister has himself made perfectly clear that since the outbreak of this war there have been a large number of disputes in which the cause of the dispute was the denial of the right to collective bargaining. Mr. Heenan has emphasized that it is not only a matter of disputes but of the unrest in plants and industries that leads up to disputes. Mr. Heenan, at page 11 of his evidence, pointed out that the disputes in which union recognition was involved were of particular importance."

Might I stop here to say that the Steelworkers to-day have



two or three boards of conciliation pending in which the whole issue is recognition and in which the employers are saying "We will not recognize you even though you may represent a majority of our employees. We want to say what type of organization shall represent you." That is occurring to-day, and, as Mr. Heenan pointed out, you cannot get a board of conciliation without a strike vote, and you cannot get it without a long delay and all the disturbance and trouble which comes through long, drawn-out proceedings in this regard. Therefore, we can say from cases with which we are actually in contact to-day at this moment that this legislation is needed.

"At page 27 Mr. Heenan states definitely that if there had been provincial legislation in the form of a collective bargaining act, quicker action would have been taken in the settlement of disputes and stoppages of work and strikes would have been prevented. He is not saying that they might have been; he is saying that they would have been prevented."

If we were simply to say that the Minister of Labour of this province tells us there have been a number of stoppages and disturbances during this war which could have been prevented by collective bargaining legislation I think we have established the need for it beyond any question.

"All the other evidence before this Committee amply substantiates this fact, so that it is apparent that compulsory collective bargaining



legislation is long overdue."

and, that is what we believe.

"If there is not compulsory legislation, the only method by which the employees can seek recognition and collective bargaining from unwilling employers is by the weapon of strike, which they are naturally reluctant to employ unless as an ultimate step, particularly in wartime. The absence of compulsory legislation, therefore, leads either to strikes or to smoldering resentments which militate against production."

and have, as a matter of fact, just as bad an effect on production as actual strikes. It is often the resentment that underlies these disputes which causes trouble, so even if the workers do not strike it does not deal with the problem.

"If there is no compulsory collective bargaining legislation, either the employees have to go on without the benefits that collective bargaining would bring, or else they have to enforce what they believe to be their just rights by strike action or other form of economic pressure. The imperative need for collective bargaining legislation is to remove the friction and disturbance that would result from employees seeking to compel employers to concede their democratic right by cessation or curtailment of work.

"If the need for compulsory collective bargaining legislation is conceded, and all the evidence before the Committee indicates its vital necessity at the present time, the important question arises as to



the form that legislation must take to make it effective. The compulsory feature of the legislation should require employers to enter into negotiations and conduct negotiations in good faith with employees, but it is not required that they should be compelled to agree upon any particular point. If, however, the negotiations result in agreement, the legislation should require the employer to embody the points agreed on in a written agreement entered into with the bargaining agency. Much trouble is caused by employers refusing to enter into written agreements with the bargaining agencies chosen by the employees, with the result that there is lack of confidence and uncertainty and the probability of further trouble."

because the employees in the union feel when they have not a definite agreement and recognition there may be some further attempt at whittling away of the rights they have secured. That feature about putting it in a written agreement is of the utmost importance, so neither we nor any other representative of labour, as far as I know, is urging that the agreement itself be made compulsory. It is merely a negotiation and after the agreement is reached then it should be put in writing.

MR. OLIVER: Q. Is the agreement compulsory in any other legislation of which you are aware?

A. No. Not directly compulsory, at any rate; there are various conciliation provisions.

"There is a very grave danger in all legisla-



tion that the method of enforcement does not receive sufficient consideration and the declaration of principle contained in the law remains an idle gesture because there is no adequate means of enforcement.

In a matter as complex as that of collective bargaining legislation, the actual wording of phrases and the precise form of the legislation is of great importance, as the whole intent of the legislation may be vitiated by the employment of phraseology or enforcement machinery which is not adequate. For this reason it is unfortunate that the Committee has not got before it in draft form at least the terms of legislation in which the Government and the Minister of Labour would embody the promise of effective collective bargaining legislation. The United Steelworkers wish to emphasize this point particularly, because they believe it to be the crux of the problem which the Committee must face. They believe that the Committee will have no difficulty in arriving at the conclusion as to the necessity of collective bargaining legislation. But it is not enough that there be a collective bargaining act. It must be a fully enforceable collective bargaining act. There is a very real danger that if the problem of enforcement is overlooked, the legislation will prove abortive and useless.

There are many illustrations of the creation of laws and the failure to apply an adequate



sanction and it is to this particular point that the union which I represent wishes to direct the attention of the Committee. It is possible to make a declaration in favour of the principle of collective bargaining and to provide no method of enforcement other than that of public opinion to support the declaration of principle, The inadequacy of this is apparent from the fact that the Dominion Government by P. C. 2685, referred to by the Minister, has already declared that the principle that employees should be free to negotiate with employers through the officers of their trade union or through other representatives chosen by them, should regulate labour conditions during the war. This Order-in-Council was passed on June 20, 1940, but the Minister pointed out in his evidence that the lack of adequate enforcement made the declaration of principle entirely ineffectual in dealing with the problem.

Another method of enforcement is suggested by the Nova Scotia Trade Union Act and other provincial acts, which Mr. Finkelman will no doubt have supplied to the Committee in his memorandum."

I understand he is going to do that.

"This method of enforcement consists in imposing penalties collectible in the courts for the failure of employers to recognize the representatives chosen by the employees and to bargain collectively with them. In the view of those whom I represent, this legislation is entirely



inadequate to give real force to the principle involved. It means that the courts of law are required to determine nice points of industrial relationship, such as, what is the proper collective bargaining unit, what groups of people do in fact represent employees, or whether they have been properly elected or elected under some form of coercion, and innumerable other matters which only those experienced in industrial relations can deal with. Furthermore, enforcement through the courts requires the aggrieved individuals to lose time and be put to expense, and this difficulty is aggravated by the probability of expensive appeals. Any employee who lays a charge may be subject to discrimination and will find himself in the courts as a complainant in an atmosphere that is entirely unfamiliar to him and dealing with people who may have very little experience or comprehension of his particular problem."

THE CHAIRMAN: That is what most people find when they go to court.

THE WITNESS: Yes. I was going to deal with that as a lawyer, myself, and say it is a very real problem for an industrial worker to suggest he should enforce his rights through being a complainant in the courts. Most people, particularly those in that group, feel they want to stay out of the courts if they can.

MR. GARDHOUSE: Q. Are you advocating that people stay out of the courts? A. Yes, I certainly am. It is a good place to stay out of, if



you can.

THE CHAIRMAN: Have you set out later your suggestions of how the enforcement should be met?

A. Yes.

Q. I hope it is ~~not~~ along the lines of the Liquor Control Act in which you put all the onus on the accused.

A. Oh, no. I would not do that.

"An illustration of the unsatisfactory nature of the enforcement of penal provisions in the courts as protection to labour is afforded by the Dominion Statute to which Mr. Finkelman referred. By an amendment made to the Criminal Code in 1939, it was made an offence for an employer wrongfully and without lawful authority to discriminate against an employee solely on the ground that he is a member of a trade union. Workers generally and those familiar with the problems of labour, for example the Minister of Labour, would admit that there have been hundreds, if not thousands, of cases where employees complained that they had been discriminated against by reason of trade union activity."

That is no exaggeration. Whether they were right or wrong there have been literally thousands of complaints about discrimination.

"Nevertheless there has only been a handful of prosecutions across Canada and one or two convictions. The same consequences are likely to follow if the only method of enforcement of the principle of collective bargaining is to be the



imposition of a penalty upon an offending employer enforceable through the courts of law.

What then is the machinery which is necessary to make a declaration that employers shall bargain collectively with their employees effective? The answer is that it must be through the extension of administrative law. The whole field of industrial relations is one of such complexity and difficulty that it falls within the realm of those matters that are suitable for administration by experts. The general supervision of the courts may still be necessary, but the machinery required to ensure collective bargaining can only be administered by those whose experience qualifies them to devote exclusive attention to this subject."

Might I say there, Mr. Chairman, that this whole question of the relationship between the courts and administrative law is a very interesting one and that you have in Mr. Finkelman one who is as great an expert on administrative law as you would find.

It has been found necessary under the complex developments of our industrial civilization to take certain matters which are particularly difficult and put them under the jurisdiction of administrative tribunals or administrative law, because the courts well qualified to deal with the broad general principles of justice are not qualified experts to deal with this type of matter in which they might spend a long time enquiring into the various problems some of which this committee have seen examples of, difficult questions



which involve a great deal of experience and judgment about this particular problem.

Q. You would agree that there has been violent opposition to law by Order-in-Council and by bureaucrats, and so on,---

A. We have one hundred and one other examples of where that has been found absolutely essential if complicated matters are to be regulated and dealt with.

Q. All right. A. Dealing further with my brief:

"There are several matters that have to be determined if collective bargaining legislation is to be effective. One of the first is, what is the proper collective bargaining unit. This is sometimes in cases of controversy a difficult subject, which one not expert or experienced in labour relations cannot determine."

It involves questions of crafts. There are all sorts of difficult problems which relate to that subject and no ordinary court could begin to take the time to go into them.

"The second is, who are the representatives of the majority of the persons within the collective bargaining unit, whatever it may be. This question is sometimes easy to determine because it is admitted by all, but when it is in controversy it may involve the taking of a vote and careful administration to see that the vote is taken fairly and without the many different forms of indirect pressure that can



turn what appears to be a democratic determination of the will of the majority into a false pretence in which genuine freedom of choice is not present." a very real problem, as those experienced in this matter can tell.

"The representatives of labour have made quite clear that there cannot be genuine collective bargaining between an employer and a 'company union'. The definition of company union given by both the Minister and the representatives of labour is an organization dominated or financed by a company. Any legislation which fails to recognize this fact will not enable genuine collective bargaining to take place. In the United States it was found that after the passing of the N.R.A., which required representatives of labour to be chosen, a vast number of company unions sprang into existence. It was, therefore, necessary, in order to prevent these company unions taking the place of independent bargaining agencies, to pass the National Labor Relations Act which outlawed company unions, not under that name, but under more or less the same definition as that given by the Minister.

The collective bargaining legislation for Ontario must necessarily prevent repetition of history through the setting up by those employers who wish to resist genuine collective bargaining of a large number of company-dominated organizations. It must be made an unfair practice to negotiate with such an organization or attempt to form such



an organization. If this provision is not put in the Act, the whole purpose of collective bargaining will be defeated and the Act will be a futile gesture.

It is, however, clear that the ordinary courts of law cannot be qualified to determine whether a particular organization in a plant is, or is not, dominated or financed by a company. This is a task which only those who have had considerable experience can undertake. To divide the sheep from the goats is no easy task and yet it is one which must be accomplished by some administrative tribunal if the Act is to be effective."

I just pause here to say this committee has had several organizations come before it, all of which have proclaimed they are not company unions, and some other people may disagree about that. The only way in which to find it out is to have an investigation by somebody who knows the ins and outs of this particular problem. If the courts were to be asked to go into something like that they would be quite at sea. I speak as one who has had a good deal of experience in the courts to know that is a subject matter into which the courts of law can hardly be asked fairly to go. It is too difficult.

Q. You mean it is beyond the intellectual capacity of the judiciary of the province?      A. No, sir. I have the greatest respect for the intellectual capacity of the judiciary of the province. As I practise before them my respect grows, but I would like to say I think they would be the first to acknowledge themselves that



in this particular field it is very difficult for them to enter. Take Mr. Justice McTague. That learned gentleman is a good example of one who has gained experience. He has gained experience during this war from being engaged in working on these tribunals. He is the type of person who does become qualified as an expert and who labour would be quite glad to see dealing with these problems, but it is only because he has made a special job of it and has had the chance over a period of years to go into these problems. He can do it.

If we just had it coming up before any police court, before magistrates and county judges, for all of whom I have the greatest respect, nevertheless I say it is a field beyond their ken and is bound to be so. I say that with all the more force, because I am a lawyer, myself, and know it to be a fact. I do not say we should not borrow from the judiciary for this purpose -- certainly, but let us pick one who will become a specialist in the subject and not throw it into the arena of the ordinary courts.

"It is sometimes stated that international unions, in seeking the present collective bargaining legislation, are seeking to compel employees to become members of international organizations and to deprive them of the right to join independent unions. We wish to make clear that this is not the objective of the legislation we are seeking. The guiding principle of the legislation should be freedom



of choice on the part of the employees; that is to say, that employees in a bargaining unit should have the complete right to choose the international union, the national union, or some independent local union as they see fit. The legislation, however, must be aimed at making sure that this choice is free from the coercion of employers.

There are other practices of discrimination and intimidation that prevent the free expression of the workers' choice. The forms which these may take are very many and not easily understood by those who have not specialized in the subject."

From my small experience they are very subtle and it takes a little time to get on to them.

"All these considerations point to the necessity of the questions being determined by an administrative board, and the legislation for which labour is unanimously asking the Government will not effect the purpose of providing for freedom of collective bargaining unless this administrative machinery is set up.

The suggestion has been made that the Minister of Labour or his departmental officials might undertake this task of administration. It is submitted that this is not a task that can be performed by anyone holding a political office."

May I say that nothing here is intended to be a



reflection on the present Minister of Labour -- very far from it. All I am saying is that whoever he may be, whatever party or organization he may represent, a political officer, a representative of government is not the man to decide whether the organization in such-and-such is a company union, not the man to decide who are the bargaining agency, or the officer whose function is that of conciliation and administration. It would be hopelessly embarrassing to anybody whose responsibility was political to have to make those decisions. We think it is a kindness to the Minister of Labour to suggest he should not have that responsibility. True, he is responsible for bringing in legislation and for seeing that it is working properly, but not for making the decisions which are involved.

Q. Can you tell us where we are going to find this infallible individual? A. They have been found before. There are many people in this province, employers, fair-minded employers who have had a wealth of experience. There are many experienced trade unionists with good judgment and with good sense, and there are many others.

Q. You mean a composite board? A. Quite so; a board with say three, or, if it is thought more advisable, five, representing the different elements and representing the community.

May I emphasize the thing would not work unless you got a board of the very highest calibre? If the representative of the employer or of the employee was not judicial and fair and experienced it would not



work. We believe there are people of that calibre in this province and they can be found.

"It is a quasi judicial task and it would be highly embarrassing for any Minister of Labour to have to decide whether particular organizations were company unions or not and whether some particular union in a plant was entitled to be treated as a separate collective bargaining agency within such plant. The Minister of Labour is responsible for all sorts of conciliation machinery. It would militate against his performing these functions efficiently if at the same time he were to have to perform the judicial functions that are involved in a collective bargaining act.

With these problems in mind, the Steelworkers earnestly recommend that the Committee recommend to the Government and the Legislature that the collective bargaining legislation which is to be passed shall provide for the creation of a board properly representative both of employers and employees--"

and, I think I should add, the community. I think perhaps the chairman should be, shall we say, a distinguished judge in this matter. We might have an ex-politician. I do not think an active politician would find this job one to his liking, Mr. Chairman.

Q. No, I do not think so. A. But one who had perhaps got out of that field and who had that experience might be a good man.



MR. NEWLANDS: A senator.

THE WITNESS: I do not think I had better get into a discussion of the Senate. My views might get me into trouble. I would be delighted to discuss that at some other time.

"-which will have the duty of determining what is the proper collective bargaining unit, who are the proper representatives of that unit, whether or not there has been a proper election to determine such representatives, and which shall find out whether or not an employer has been guilty of unfair labour practices which interfered with the right of employees to bargain collectively through representatives of their own choosing.

The Act should provide for the definition of some of these unfair labour practices, but the determination of the facts should be left to an independent board."

Incidentally, dealing with the question of unfair labour practices, Mr. Mosher dealt with that, so I will not repeat in respect of it. The facts should be determined by an independent board.

"The model for such legislation is the National Labor Relations Act of the United States Congress. There may be some criticism made of the application of this Act, and indeed the procedure therein set out has involved in some cases long delays before the final determination of the issues involved. We believe, however, that an administrative tribunal appointed by the Ontario



Government of properly qualified experts could in a smaller industrial unit such as Ontario, deal expeditiously and adequately with the questions that would come up under the Act. It would be necessary to provide that the findings of this administrative tribunal should be enforced, and at this point the enforcement machinery of the courts might properly be called into action. We wish to make it clear, however, that the determination of facts must be left to the administrative tribunal and that the power of review by the courts should be restricted to determining whether there has been a fair hearing and whether the board is acting within the authority given to it. There should be no avenue for long delays through court procedure.

We do not believe that it is the function of the union which we represent to suggest precisely what form such legislation should take. At the present time, however, the union only wishes to emphasize the profound conviction that the whole purpose of the collective bargaining act will be frustrated if this question of enforcement is not squarely faced by the Committee and by the Legislature. We urge that the National Labour Relations Act of the United States be taken as the general model for such legislation as may be drafted. Improvements may naturally be made in the NLRA, but the jurisprudence and experience



experience which have grown up around it would be of inestimable value in the efficient administration of any Act. Employers may have some criticism to make in regard to the Act. Employees also will have some details of criticism in regard to it and its administration in the United States. But the fact remains that it is the only legislation which has enabled the peaceful development of trade unionism in a short space of time and on a very large scale.

Mr. Conroy has spoken of the bloody battles and lives lost in obtaining trade union rights by the United Mine Workers. The Steelworkers could also give eloquent evidence in this regard. Mr. Finkelman and others have told of the long and painful struggle in Great Britain to secure the rights of trade unions and the general acceptance of collective bargaining which has proved such a tremendous asset to Great Britain in its present struggle for existence. This Committee and the Government of Ontario are now being asked to bypass this era of fruitless and bitter struggle by enacting effective legislation."

May I say there in regard to the situation in Great Britain that I do not want to go into a long, historical account of it, but the way in which trade unions received their present status there was through fights and battles and through a century of very difficult, trying times in which lives were lost. What we feel is if legislation could prevent that, could achieve



the good results which have been achieved in Great Britain through having responsible trade unions, which are admitted to be the backbone of Britain's resistance in this war, by legislation, which will get over some of the reluctance in the initial stage and avoid these things, then we think this committee and the legislation will be something of a tremendous value. We do not agree with the brief of the Canadian Manufacturers Association which suggests we should adopt the British experience, because the British experience while the present situation is entirely satisfactory is an experience we do not want to concentrate into the time of war and into the difficulties which we now have.

The result? Certainly, we want to arrive at the British result, but we do not want to have a century of struggle to arrive at it.

"There have been a great many promises of a collective bargaining act for Ontario and we believe that it is the wish of the people of Ontario which this Committee will recognize that such a collective bargaining act be passed. We also believe it to be of the utmost importance that the form of the act be not such as to make the actual enforcement impossible. The confidence of the people of Ontario, and particularly the industrial workers, in the good faith of legislatures generally will be seriously jeopardized if it is discovered that the semblance of collective bargaining is given



without the reality, and that will be the case if no adequate means of enforcement are provided. We very earnestly recommend to the Committee that they give attention to this point which we believe to be crucial. The industrial workers have had their hopes raised and they are not so naive as to be unable to distinguish a genuine, effective collective bargaining act from a gesture. The representations of those who do not wish to see the extension of genuine collective bargaining, and it would be foolish to deny their existence or influence, may well be directed not at the principle of legislation to enforce collective bargaining, but at robbing the machinery of real effect and at ensuring that the enforcement machinery set up in the act is inadequate. The League of Nations was a great ideal. It was set up for the purpose of establishing the rule of law in international relations. As a system it was perfectly sound. The difficulty, however, lay in the fact that there was no will to enforcement or to pay the price of enforcement. We hope that a collective bargaining bill aimed at creating industrial peace in this province will not fail of its purpose for the same reasons.

We have dealt with what we believe to be the crucial issue. There are, however, other points upon which we would like to be of assistance. It has been or may be suggested that



trade unions, if they receive certain advantages, should also be required to submit to certain obligations. We wish to ensure that these obligations, if any are imposed, are not such as will frustrate the whole purpose of collective bargaining.

It is first suggested that the trade unions should be compelled to be incorporated. With the exception of trust companies and similar organizations, no other group of people associated together are compelled to incorporate. Such compulsory incorporation would, therefore, be singling out trade unions for special treatment. The real objection, however, lies in the fact that incorporation is a means whereby trade unions might be tied up indefinitely by litigation in the courts. This is not an idle fear but the result of historical experience. The evidence before the Committee indicated that Great Britain had to face this problem. In the Taff-Vale case referred to by Mr. Finkelman, it was held that trade unions could be sued for damages. This was found to be thoroughly oppressive and the trade unions in Great Britain maintained political agitation until in 1906 the Trade Disputes Act of that year relieved trade unions of liability for tortious actions."

May I say during that period there was a series of damage actions against trade unions, some of which actually reached the House of Lords, a series of



cases was carried on and the trade union movement was kept in a perpetual uproar during those years from 1901 to 1906 because of their suability in damages and because that was used to attack the then growing British trade union movement.

"A Liberal Attorney-General in 1906 stated that the suability of trade unions had seriously curtailed their usefulness and efficiency. The result had been to create a feeling of insecurity and injustice. We feel sure that this Committee will not wish to repeat in Ontario the experience in England. Similar experiences in the United States could be cited as a basis for the firm conviction of trade unions that incorporation is merely a weapon to render them impotent and one that should not be imposed upon them.

In regard to registration, different questions arise. If it is made clear that the registration does not render a trade union liable to suit and if the terms and form of registration are not onerous, it might be that no harm would be done. The Taff-Vale case, however, was a case which held that the effect of registration under the Trade Union Act of that day was the same as incorporation and rendered the unions liable to lawsuits."

That was a case of a registered trade union under the Act of 1871.

"It is therefore suggested that the Committee should recommend that any legislation be



carefully considered from the legal point of view so that the pitfall of the Taff Vale case be avoided. As a matter of fact, the union which I represent, and I believe most other unions, do furnish the Department of Labour with names of their officers and a statement of the number of their members. It is obviously helpful for them to do so and, while it is probably quite unnecessary to compel them to do so, no harm would be done."

Quite unnecessary, but we have no objection. We do it, at any rate.

"On the other hand, the imposition of burdensome requirements as to the filing of information might be very harmful, particularly where anti-union employers were engaged in endeavouring to prevent the formation of a union and were anxious to know at an early date those who were members of the union so as to effectively discriminate against them. In regard to the proposed compulsory filing of by-laws, constitutions, and audited financial statements, this is entirely unnecessary. The United Steelworkers would be very glad to give anybody a copy of its constitution and by-laws and I will file one with the Committee."

As a matter of fact, I think I have enough to go around or, at least, some ways toward going around.

Might I just stop at this point and ask the committee to look into this constitution?



---EXHIBIT NO. 67: Constitution of International Union,  
United Steelworkers of America,  
C.I.O.

It is a democratic constitution of which we are very proud, and which we would like to have anybody read or see. As far as filing it is concerned, there is nothing to it; anybody can walk into our office and get a copy. The more publicity we can give to our constitution the better we will be pleased because we think of it as a very fair, proper document. It sets out in great detail a thoroughly democratic procedure, the membership, meetings each month, the exact amount of the fee being set out, and it also sets out the proceedings of regular elections.

MR. OLIVER: What is the procedure for the election of officers? A. I think I can find that here. I am looking at page 38:-

"Section 8. All Local Union Officers and grievance committee men shall be elected at the last meeting in June of each year by plurality vote of the members present or participating in a referendum vote and shall serve until their successors are elected and qualified, at which time all money, official records and documents, and all property belonging to the local Union shall be turned over to such successors.

The date of local elections for Local Union Officers and grievance committeemen must be advertised among the members at least one week previous to the date of the election.



Nominations shall be made at the immediately preceding meeting."

and so on. The procedure for the international election is also set out. If I had time I would have liked to have gone into this constitution in order to show you what it is like, but I realize there is not time.

THE CHAIRMAN: Mr. Oliver was simply interested in when the election of officers takes place.

THE WITNESS: You will find very many other things such as the duties of the officers, the fees they have to pay, the requirements as to audits, the whole procedure as to elections, the fact that membership meetings must take place every month, and so on. The whole thing is set out, and we are very glad, indeed, to let anybody see it.

"It indicates that the union is a thoroughly democratic organization in which the rights and obligations of all members are clearly set out. It is also the practice of the Steelworkers and of most other unions to send to their members full audited statements of the finances of the organization and indeed to give publicity to these statements. The International Office of the Steelworkers maintains a staff of auditors who periodically check and audit the accounts of local unions in regard to the receipt of all dues and in regard to all their expenditures. The importance of maintaining proper and accurate



accounting of all funds, both local and international, is very clearly recognized and the United Steelworkers of America in their constitution and in their practice, take the greatest of pains to ensure that this is done, so that every member can at any time find out without difficulty the disposition of his union dues.

At this point it is my desire to file with the committee an audited report of the International Union which, of course, refers to the local unions from May 1st to November 30th, 1942. I am not going to go into this in detail. The audit is by Meine & Company, of Pittsburgh, which company is one of the best and responsible auditor companies in the United States of America.

The Steelworkers have had this published. It has been referred to in the newspapers. In fact, somebody told me on my way up to the committee meeting to-day that Time newspaper on March 1st had an article dealing with how well run the internal affairs of the Steelworkers were.

MR. OLIVER: Q. There will be no objection to filing that? A. No. I will be glad to file it and answer any questions on it. It is a long document. We want people to know about these things.

---EXHIBIT NO. 68: Audit . Report dated May 1st to November 30th 1942.

Q. I meant was there any objection on the part of your organization to filing your financial return



with the Department of Labour?      A. Well, I go on in the next paragraph of the brief and deal with that, Mr. Oliver.

"It is one thing, however, to say that this is the practice of the unions and another thing to say that there should be some compulsion in this regard. No evidence has been presented, or is it likely to be presented, that there is any need for such legislation. It is submitted that the Committee would be making a mistake in enforcing obligations which the members of a democratic organization can quite adequately look after for themselves. It might even be harmful to have audited accounts filed with a government official, for it is unlikely that the government department would be in a position to make any effective check of these accounts and the fact that the accounts were filed in this way might tend to create false confidence and to decrease the vigilance and interest of individual members, which is the only real protection of any voluntary organization.

I think something has been said about them.

"Most insistence on the rights of individual employees by solicitous employers is a conscious or unconscious sham. There is no such thing as equal bargaining between organized management and individual workers. The only feasible bargaining is between management and unions. By encouraging individual workers to bargain directly with management you undermine the union and invite



trouble. Under collective bargaining the individual worker gives up his impotent freedom to bargain individually for the effective freedom of bargaining through a group, so that the Committee should disregard arguments based upon this theoretical and unreal freedom in favour of the real freedom of collective action."

We feel that is a very basic philosophy of the union movement which lies behind this legislation. Often the right of the individual is brought in as an excuse or reason why you should not deal with the representative of the majority. It is said "We cannot deal with you, because what about our unrepresented minority?" Their freedom is being taken away. We say they have no real freedom, that there is no effective freedom for an individual vis-a-vis, a large company in which most of our people are employed now by our organization, and that the only effective freedom you can give to the workers is to enable them to be represented by the particular organization they choose. That paragraph, therefore, is included in the brief to explain what we feel about that matter, because it is frequently brought up. But, of course, we do say we do insist that it is the choice of the majority which should prevail, that if the majority does not happen to choose the unions we think are the right and best ones for them that is their concern. We are not interested in forcing anybody to accept anything which the majority of the people in their group do not think is the best thing for them.



"It is sometimes suggested that unions should be forbidden to use intimidation or other unfair practices with penalties for infraction. In this regard it may be remarked that the criminal law already provides a more than adequate means of preventing such intimidation. It is a regrettable fact but true that strikes do sometimes lead to acts of violence on one side or the other. When such acts occur, the criminal law is fully adequate to deal with infractions and it is, as a matter of fact, well known that in some industrial disputes arrests for assault or other intimidation do take place. The Committee, therefore, need not worry about this question."

I am not quite sure whether they would have legislative jurisdiction to do that when it is a matter for criminal procedure or of criminal law. However, Mr. Finkelman may think differently about that. I doubt very much if Ontario legislation could deal with that type of thing which is, in itself, a criminal offence.

"If there are any facts in regard to the United Steelworkers of America or in regard to the matters which are discussed in this brief which the Committee would like to explore, I would be very glad to produce such evidence. In the meantime, however, and particularly in the light of the full presentation of the case by Mr. Mosher and Mr. Conroy, we thought



it better to put our submissions in the form of a brief and leave it to the Committee to call any of the members of the union as witnesses, if they desire further information."

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(Page 561 follows).



Mr. Chairman, our reason for putting it in a brief like this is that we felt if we were to call witnesses it would inevitably lead to prolonged discussion, and we do not want to unnecessarily take up the time of this Committee. On the other hand, we want to make it perfectly clear that our organization is ready to answer any questions and submit to any sort of examination, because we have nothing to hide and nothing we are ashamed of.

I just conclude my remarks by saying this brief is put forward by the Steel Workers in all sincerity and earnestness because they believe that this collective bargaining legislation is of tremendous importance. But the main emphasis we have made, and we want to keep before the Committee, is that they wrestle with this problem of enforcement. As we say, we do not think penalties are enough. We think, short of an administrative tribunal of properly qualified people, you cannot grapple with the things we have discussed here before this Committee. I think we all - those of us who are lawyers particularly - have had the experience of seeing something on the statute books, and finding out when we went to do something about it that the machinery was out of our grasp or was inadequate. That will be the effect, we feel, unless we have an administrative tribunal that can inquire into all these matters. It needs the very best type of mind, admittedly, but we believe those people can be found, and that the crux of your problem



is to recommend that type of legislation. Because we do not want to see legislation which is in favour of the principles we believe in, and then find it causing disappointment and trouble later on because it is out of reach of the workers throughout this Province, who cannot be running to police courts all the time.

MR. OLIVER: It is conceivable there would have to be amendments from time to time of any Act.

A. Of course there would. But we are here to help the Committee, as we feel, get off on the right foot, and not have to amend the legislation too much - minor amendments, yes. But we think this particular type of machinery is the only type that will work.

Mr. Chairman, I would be glad to answer any further questions myself.

MR. FURLONG: I would like to ask you a couple of questions. What would you advocate should be done with the bargaining agent who violates an agreement?

A. My feeling is that a bargaining agent who violates an agreement would be in a very poor position to come before this administrative tribunal and ask for any benefit.

Q. I am asking you what you would advocate should be done.

A. I do not advocate that there be any means of penalizing employer or employee for not sticking to the collective bargaining agreement. I would agree with what Mr. Mosher said, that that is best left as a matter of good faith and not enforceable in the courts. But I do think it should be enforced by the penalty that an organization that



breaks its agreement should not be in good standing when it comes to ask for some benefit under the Act, and I further believe that people who break their agreements are punished from the very fact that they break them, whether they be employers or employees. The lack of confidence that results is punishment in itself. I do not believe it would be advisable or wise to try to impose any penalty for failing to carry out an agreement. After all, in the ordinary course you do not have a penalty for failing to carry out an agreement.

MR. HAGEY: You mean against either party?

A. Against either party. I would not want to see an employer penalized for not carrying out an agreement. It might be that would put him in rather bad standing.

MR. FURLONG: Q. Are you agreeable to the majority vote to determine the bargaining agent?

A. Absolutely - not only agree with it, we think it is essential.

Q. What percentage of vote should change the bargaining agent?

A. I don't think you can be constantly going back to have a new bargaining agent, but I think that is a matter for administration. Suppose you elect a bargaining agent and an agreement is signed for a year, and there is strong representation that they no longer represent the employees --

Q. Do you think it should be the same majority?

A. Quite so, yes. I think it should always be



a majority, but I do not think you should be constantly taking votes. I do not believe if we pass this Act there will be any need to worry about constantly changing majorities. Once you get into the realm of collective bargaining you do not have the trouble you have getting started.

Q. Where you have different unions one may be in today, and another union may try to organize the same employees.

A. I think I can speak for my own union to say that if under the procedure of an Act like this it was decided that some other union was the proper bargaining agency, we would retire from the field.

Q. That is not being done in Wallaceburg today.

A. No. I do not mean that would apply to every particular or possible situation. I mean unions are not going to fight each other. If there are two unions and one gets a majority, then the others should step out for the time being.

Q. In any event, you are satisfied that the majority should determine that, whichever way it goes?

A. Quite so.

Q. I would like to ask you about the composition of the court or committee, as you may wish to call it, whether it should be one man, three men or five men, and who do you think should appoint the one man, if it is one?

A. I am inclined to think myself that the Government should take the responsibility of appointing them all.



Q. Let us first deal with the one, if it were one.

A. I don't think it should be one. I think it is too much to put on any one man.

Q. What is the minimum number?

A. I think three should be the minimum.

Q. How do you think they should be composed?

A. I think the Government must take the responsibility of making such appointments, and if I were the Government I would see that one at least was an experienced trade unionist who had been through these things and knew what it was about; the second man, I would like to see, say, an employer with a reputation for fairness and understanding of these matters; and, thirdly, I would like to see some distinguished person who had not been very much involved, perhaps a professor like Professor Finkelman here.

Q. With regard to the one who represents the trade unions, how could you choose one that would satisfy them all?

A. That I think is a good argument for having a board of five. There are two main groups of unions in this Province and the rest, with all due respect to them, are just on the fringe. The two main unions are the Canadian Congress of Labour, and the Trades & Labour Congress. I think there might be a lot to be said for a board of five.

Q. So both of these main unions should be represented and both satisfied that the decisions were going to be fair?

A. As between the two different principles - the principles of industrial and craft unions.



Q. Do you not think a board of five would be cumbersome?

A. I don't think you get anything perfect in this world, but I think a board of five would not be too cumbersome, no. If it were not for some of the difficulties I would prefer a board of three myself, but I think five probably is a better number.

Q. You say here in paragraph 19:

"The legislation, however, must be aimed at making sure that this choice is free from the coercion of employers."

We had one association here today that advocated the choice should be free from the coercion of employees, employers, agitators, unions and everything else. What do you think of that?

A. I don't believe it is necessary to provide that. I think the reason you have to provide that it is free from the coercion of employers is because they occupy a dominant position. I don't think it is necessary to provide that it be free from the coercion of your own members. If that coercion is unlawful or involves threats, then it is a criminal offence.

116

Q. This association pointed out that certain agitators were going into certain towns, renting expensive offices and using unfair practices to force people to join a particular union. Do you think that type of thing is fair?

A. I don't accept that that happened.

Q. I am not saying whether you accept it or not. If it were true, do you think it is fair?



A. I think it is perfectly fair for an international organizer to persuade anybody of anything, as long as he does not use illegal methods, perfectly fair. I have the right to persuade somebody to do anything I like.

THE CHAIRMAN: In fairness I did not understand the witness to say these chaps, the organizers occupying expensive offices, were using any unfair methods. I understood him to say they were high class salesmen.

MR. FURLONG: He said they brought in a lot of money and used it, or attempted to use it to obtain members.

THE CHAIRMAN: I did not understand him to use the word "unfair". He said they were in there trying to sell the merits of the international union.

WITNESS: We are trying to sell - I am referring to the union I represent; I am not personally in that business at all - but we naturally believe the organization we have is most beneficial, and we would be lacking in a sense of duty if we did not try to tell people that.

THE CHAIRMAN: I can see your point. As long as they do not do something illegal in attempting to expound the merits of the international union, they should not be prohibited, any more than an employer should be prohibited from carrying on propaganda to point out probably that a shop union is preferable to an international union?

WITNESS: Certainly. We do not claim any right to coerce people by improper methods. We do claim the



right to explain that our union is the most effective union, the one that will get them the greatest benefits. That is what we believe; we may be wrong. We believe employees can choose themselves whether our idea is right. We believe because industry is organized on an international scale, so unions will be more effective if they are organized on an international scale.

MR. FURLONG: Q. You do not think there could be any coercion from that particular direction?

A. I take that with a grain of salt, and this talk about huge union offices, and vast expenditure of sums, I have not seen any of those myself.

THE CHAIRMAN: You are just a lawyer.

WITNESS: I have been in union offices.

MR. FURLONG: We have one brief filed here which says more money came into Canada than went out. I do not know what else they brought it in for.

WITNESS: If you analyze our financial statement you will find the balance is about even.

MR. FURLONG: Q. At any rate, you say it must be free from coercion of employers and no other coercion? A. I don't say there should be coercion by anybody else. I say there is no need for legislation to prevent coercion by anybody else.

Q. If it is going to be free, I do not know why it should not be free from all kinds of coercion.

A. Our idea is to deal with the coercion that results out of the dominant position of the employer. As far as outsiders are concerned, coming in, we do



not think they have any dominant position. If they use improper methods we think they will bring their own retribution. If they use illegal methods they can be prosecuted in the courts. Certainly, there is no need for this Committee to devise legislation to deal with that problem in our view.

MR. AYLESWORTH: Could I ask a question?

THE CHAIRMAN: Certainly.

MR. AYLESWORTH: Q. Mr. Brewin, what is the position of your clients with respect to this aspect of your brief: do you think it essential or proper that an employer, so long as he makes it abundantly clear that the choice is free and by secret ballot, should have the right to point out to his employees the questions they should consider before making their choice, and perhaps indicate some of what he thinks are relevant facts concerning this or the other bargaining agency?

A. I think, Mr. Aylesworth, that is a question that is impossible to answer, because I think there would be danger that representations, coming in certain forms from employers, would amount to domination, would amount to coercion because, as I said, the employer is in a position by reason of his position where his statement that something will be done - for instance, his statement that certain benefits will be taken away if his employees accept a particular collective bargaining agency, might amount to coercion or intimidation.

THE CHAIRMAN: That would be a threat. I do not think that is Mr. Aylesworth's question.



MR. AYLESWORTH: Q. Assuming it is not even a threat - assuming there was the statement that it was the intention of the employer, if a certain bargaining agency secured the bargaining right, not to do this or that on behalf of the employees; in your view that is in a category to be prohibited, while it is not to be prohibited with respect to a trade union selling itself as an agency and representing that it will secure higher wages or other benefits?

A. I have already explained my position on that, and that is that the employer is in a particular position that makes even what sounds like the most innocent words from him appear, by reason of the relationship, as a form of domination. I think that must be dealt with by the Act and prohibited. I do not think the outsiders are in the same position because they are not in that dominant position, and I personally cannot think of many forms of representation by an employer as to what agency an employee should select which would not amount to improper pressure. I think it is the employees' duty and sole obligation to pick their own bargaining agency, and I would be sorry to see any employer taking any part in influencing that. I do not think you get that equality of bargaining relationship if the employer is so unwise as to step in and indicate his view as to what should be done.

Q. Perhaps I did not make myself clear. Let us assume that a labour organization which has, in the employer's view, committed many acts of breach



of faith in connection with its collective bargaining relationships seeks to secure the bargaining agency rights with that employer as representing that employer's employees; on that state of facts do you think that the Legislature should prohibit an employer, make it an offence for an employer, impartially and properly, to point out to his employees that when they freely make their choice he suggests that they bear such facts in mind as he thinks it proper to bring to their attention?

A. I think those whom I represent feel that any such representations endanger freedom of collective choice because of the position they are in.

Q. Is it the view of those you represent that, if legislation is brought down on this subject, the employer should be positively prohibited from freedom of speech, freedom of expression altogether, with respect to any part of that subject matter?

A. I don't think that at all. I think, however, that the employer should be prohibited from interfering with or dominating the agency choosing by his employees.

Q. That is a different matter altogether.

A. I am sorry. Freedom of speech is a very general term, and I think there are some cases in which speech can be used as an instrument of coercion, and I want to see that avoided.

MR. MURRAY: You would not object to the employer associating with his men?

A. No, indeed.

THE CHAIRMAN: That is what he wants.

WITNESS: That is what we want, but in the



question of bargaining about wages and hours we want collective bargaining, and we believe this will lead to all sorts of friendly associations.

MR. MURRAY: I sometimes think, after hearing you people talk, that the only time an employer should associate with his men would be when they were making a bargain about money or wages.

WITNESS: No, not in the least. We believe that out of collective bargaining will grow a great many friendly relations between employers and employees, a very happy partnership. What we are anxious to establish is the basis for such a partnership.

MR. MURRAY: Another question that was in my mind: when you were speaking about the courts, you seemed to have very little faith in courts. I understand we in the Legislative Assembly here are making laws for the courts to interpret - true, with the assistance of the lawyers - but a judge should be able to interpret the law applicable to any case, and decide in a fair and efficient manner.

WITNESS: May I answer that by saying I yield to no member of this Committee in respect for the courts. I practise before the courts and I have the highest respect for them. That does not blind my eyes to the fact that there are certain subjects, such as the Municipal Board deals with, certain subjects such as the Railway Commission is dealing with, certain technical problems, that are not suited to be reviewed and investigated by the courts. There are 101 other fields in which that has been found,



and this Legislature as well as other legislatures sets up such administrative tribunals. I am not casting any reflection on the courts when I say this particular subject should be one dealt with by an administrative tribunal, not because the courts are not efficient and fair, but because they have not the detailed experience and knowledge to devote to this particular field that requires an expert. The Workmen's Compensation Board is another good illustration of the fact, and it is pronounced to be one of the greatest social legislations that have ever been put through by this Legislature. It took something out of the courts into the field of administration. Why? Because the courts were too expensive, too slow for people who were injured in industrial accidents, and there were a great many abuses. It is no disrespect to the courts to say the Workmen's Compensation Act was a forward step. I want to clear up any misapprehension that may be in your minds as to casting any reflection upon the courts. Indeed, my suggestion is that they should have a limited power of review. If I might add one reference to that: the Workmen's Compensation Board was set up after a Commission over which one of the Chief Justices of Ontario presided and suggested it should be taken out of the courts.

THE CHAIRMAN: And it was very bitterly opposed.

WITNESS: It was very bitterly opposed, and there are some lawyers who will oppose this extension



of administrative law, but I think they would be wrong.

MR. HABEL: Do you think there is such a thing as lawyers being wrong? A. Lawyers are frequently wrong, particularly when they decide against one's client.

THE CHAIRMAN: The courts are wrong then.

MR. HAGEY: In Sections 30 and 31 of your brief you deal with the question of providing the members of your union with an audited financial statement. You rather skate around the problem there, but what is your objection to compulsory regulation in this Act in regard to providing the members of your union with an audited financial statement? You say your union does it, but may I remind you of the situation in the United States in the case of the United Mine Workers, where we found the members of a union going on strike against their own union? That situation could possibly be prevented, could it not, by providing the members of the union with a proper picture of their finances?

A. All I can say is that Mr. Mosher who has had tremendous experience, and also the members of the Trades & Labour Congress stated that they did have these audited financial statements in their meetings. I don't believe in meeting an evil till you come to it. I believe it tends to detract from responsibility. The filing of hundreds of returns in government offices --

Q. I do not mean filing them in government offices. I mean providing them for each member of your union, and making it compulsory.



A. I believe there is a point at which it is best to leave organizations to be virtuous in themselves and rely on their own virtue.

Q. You could not treat society in general that way, or you would not legislate against murder.

A. Where have we any suggestion that any trade union in this Province is in a similar position?

Q. Not at all.                      A. Then let us deal with that evil when we find it, and let us not impose obligations that, in the point of view of the trade unions, might be used as a weapon of oppression against them.

MR. AYLESWORTH: Q. But, Mr. Brewin, that evil, which to a greater or less extent does exist in the United States - was it not accentuated as a by-product, as it were, of the impetus to organization which the United States modern laws of collective bargaining gave to organization of labour?                      A. I do not believe it was. Now it comes to mind the case you mention, and the only case, a case in which the union members thought they were paying too high a rate. No amount of publicity would have changed that. Any one of them could have walked no doubt into the mine workers' office and got a statement. Their fees were two dollars a month, or whatever they happened to be. It would not have helped them to know that fact. I believe, as a matter of fact, that the growth of the unions in the United States has been responsible for their producing audited statements like we have here rather than the reverse. I believe when they get



a definite status in society the tendency will be towards more rather than less responsibility. I think that has been found in the United States.

MR. HAGEY: In fairness, the Legislature in bringing down legislation would have to protect the employee against abuses as well as protect the union against the abuses of the employer.

WITNESS: If you could show me those abuses exist I would agree with you. There are hundreds of other voluntary organizations. We all belong to clubs. Some of us may belong to the Canadian Manufacturers Association. We do not ask for statements of their accounts. There are hundreds of voluntary organizations of that kind. For all I know, there may be the odd treasurer here or there who steals the money of his organization. If so, they can be brought before the courts. I know of absolutely no reason why trade unions should be singled out for special treatment, because I have never heard of a case in this country where any trade union has failed to present a statement of its accounts. Has there been any complaint from employees or members of trade unions in regard to that?

MR. HAGEY: I have not heard from trade unions, but I have heard from individual employees that they would like to see that.

WITNESS: In our union we tell them about that, and if the employee wants to see it, he can always see it. It would be foolish for us to hide those things.



THE CHAIRMAN: I wonder if you could give me the views of your clients on something that interests me. In looking over the Canadian Manufacturers' brief, I see there are, roughly in round figures, ten thousand members of the Canadian Manufacturers' Association, and over eight thousand of those members employ less than fifty men; 4500 employ less than five men. Do you think any collective bargaining legislation should cover an industry employing less than fifty men, say?

A. Yes, Mr. Chairman, we do not believe there should be exceptions.

Q. How large or small a number do you think this should apply to? Do you think it should apply to a little industry, a man with four or five employees?

A. I cannot speak for the Steel Workers because I have not consulted them about that, but I think they believe the principle should be universal.

MR. A.C. THOMPSON (Canadian Manufacturers' Association): Mr. Chairman, to correct the record on that, the ten thousand were establishments in Ontario; they were not members of our Association. It just gave the pattern of the size of establishments as of 1940. We have not any such members, because about half of these were people employing less than five - machine shops and the like that were established within Ontario.

THE CHAIRMAN: Whether they belong to the Canadian Manufacturers' Association or not, I was wondering whether it would apply to a little organization employing 25 men, or less than 25 men.



WITNESS: My clients I think feel it should be universal, that it is dangerous to make exceptions. You get complaints from the people who are left out. Therefore, I do not think there should be exceptions.

Mr. McClure of Hamilton is here. He had one point he wanted to make.

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SUBMISSION OF LOCAL UNION NO. 1005  
UNITED STEEL WORKERS OF AMERICA

THOMAS WILLIAM McCLURE, Sworn.

WITNESS: I have a brief here, Mr. Chairman, but it was prepared by our Local and deals very much with the case in point. Mr. Brewin has covered the thing very fully from all angles and he has suggested that I make just a few remarks on the local situation in Hamilton, and the local with which I am personally concerned, believing that such explanation as I may give may influence the Committee favourably towards his representations.

MR. FURLONG: What is your union again?

A. Local 1005 of the United Steel Workers of America. I will file this brief, Mr. Chairman, and if necessary, quote from it.

---EXHIBIT 69: Brief of Local Union No. 1005,  
United Steel Workers of America.

If you do not mind my going into a little history, the firm by which I am employed is The Steel Company of Canada. I work at the Hamilton Works. It is the largest producer of steel in Canada. It may be the largest in the British Empire. The only



other one I know of is the works in India, the Tatta works.

There has been considerable organization at this plant, and we want collective bargaining. So far we have not been able to get it. Some time ago, five or six years ago - I am not very good on dates, but it does not matter a great deal - after a strike by the men in the sheet mill, hot mill, they had a grievance. We organized independently at that time. They previously had been organized in the Amalgamated Association of Iron, Steel & Tin Workers. I am one of them, and most of them - I do not think they will mind my saying this - are hard-working, and sometimes very generous with their money. The depression came along and the union wanted their dues. That is quite all right, they should have their dues. We got to the point where, after a long period of little work, we were forced to let the charter go. We did not have enough members there. We were without an organization. At that time the company had been paying the Amalgamated scale (the union scale). They had no contract with the union but had observed the union scale. We organized independently and contacted the management on collective bargaining. We were just a committee of the employees, as I understood it, and over a period of a year there we went back and forth, and the result was a deadlock, and we ceased work for a while. Almost immediately after that the company brought in this employee representation plan, and there was a vote taken of



the employees, and it was decided by a small majority of the entire plant - not this one department, which did not comprise perhaps 6% of the total working force. It passed by a small majority, and the department in which I am employed at that time did decide to go along with the employee representation plan, still maintaining their independent union, of course, and electing from their department a man who had been chosen at the union meeting. This organization afterwards affiliated with the Steel Workers Organizing Committee, now the United Steel Workers of America, and attempts were made at organization with fair success at one time, but we were not able to put the thing across. That is probably a simple way of saying it. Latterly, within the last year or so, organization has grown very markedly, and the committee from the union went down to see the management and succeeded in seeing him as a union committee. I was a member of the committee, and we asked for recognition of the union. The Manager said he would give the company's attitude on the question at the council meeting which took place on Wednesday. This was on Monday afternoon. As well as being the President of the Union, I am the Chairman of the Works Council; that is, of the elected representatives. At this meeting on Wednesday the company in effect said, "No." They said it in rather lengthy fashion, but the answer was "No", that was what they meant.

I think I should go into a short explanation of



this employee representation plan.

THE CHAIRMAN: You mean the Manager, whoever it was, on Wednesday said the company did not care to talk about a conference?           A. Yes. They thought the employee representation plan was a better method of doing things. We differed with them. There are eleven voting divisions in the plant, from which eleven men are elected to represent the men; and then there are eleven appointed representatives, appointed by the management, and this council meets once every month (they are elected yearly) and they discuss questions. As I told you before, at one time their union organization was very good. It was not very hard to get wage increases then. But after the union organization fell away things did not go as well. It appeared to us, at any rate, they were more willing to pay wage increases than they were to deal with a union of the workers' choice - that is, what we considered a union of the workers' choice.

The constitution is something like this: if all the elected representatives vote in favour of a question, they have no majority, because the people on the other side all vote the other way. This is done when there is anything the management feels strongly about, and it is a tie vote. All that can be done then is, the matter can be taken to the President, and he is the official arbitrator, he is the Privy Council.

THE CHAIRMAN: He cannot be wrong because he has the last word?           A. Yes. He is next to the



deity on earth.

That is a rather sketchy idea. I don't think we need go into detail on that.

I must go back to the election held last November. In that election, in eight of the eleven divisions, union members met and selected a nominee for the works council, and these men were endorsed by the union as such. One of the reasons why there were not men from the other three divisions was that, sometimes people, while they feel that to join the union is the correct thing for other people to do, it is not the correct thing from their point of view, for them to place themselves publicly in the light of being a union member and espousing the cause of unionism. They appear to think if they do their relations with the company are in jeopardy. That was one reason. And another reason, that the union men in the other three divisions had not selected a man to represent them, and consequently the union would not endorse anyone who had not been selected. We did not go against them. We put out a handbill and had some pictures, and said, "These are the men who are union endorsed candidates." In all cases they were elected by very good majorities. One I think was 270 to 20. The closest was 30. In that case I helped count the votes, and there were votes that were spoiled, but the intent was fairly clear, which reduced the majority. With that in mind at this council meeting I was telling you about, where the management gave their views on



the United Steel Workers of America as a bargaining agency, saying they preferred the employee representation plan. I put forward the following resolution, - That the Company be a party with the Union and join in asking for a vote, and agree to abide by the result. The resolution was put and the eleven elected representatives voted for it; the eleven appointed representatives voted against it. Consequently, the matter was a tie.

MR. AYLESWORTH: What did the President do?

A. The matter was then referred to Mr. McMaster, the President of the Company, and in a very lengthy letter he refused. I had sent him a telegram as President of the Union but he refused to deal with me in my dual capacity, as he termed it - sort of a Dr. Jekyll and Mr. Hyde.

THE CHAIRMAN: He might have dealt with you as one individual, but not as two?

A. That is correct. He would not deal with me as the President of the Union, as the representative of Local 1005, and in a very lengthy letter which he sent to me, and sent copies to all employees, the management in the person of Mr. McMaster refused to deal or even to take a vote to decide the bargaining agency.

That is all we want, is a vote, and we agree to abide by the result, and also the company.

There is a serious situation in Hamilton. It is not because of organized labour, because our



record is very clear on that. I was thinking of prompting Mr. Brewin when he was giving you the data in this brief. That brief was the highlight of a campaign of "Win the War". We had blotters out and cardholders, "Organize for Victory", which pre-dated this thing. This was the biggest thing that yet had been done by the national office for the organizers. Our record in that is still good, but a situation has arisen which in my opinion, and in the opinion of the local executive, who have used their good judgment, carrying along as they have, should be settled. We want to settle this thing peaceably and amicably. We are doing our duty as we see it. We think we are only asking for ordinary democratic rights - rights that are inherent in our concept of democracy, not only that you should have the right of a vote but democracy in its fuller aspects. It is true, as has been inferred, at any rate, by the representative of the Manufacturers' Association, it will give more power to the unions, but it is not necessarily power for evil. We are all citizens of the country. We have sons, brothers, relatives of all descriptions in this war, and many of us are veterans of the last war. The vice-president of the Local is a First Contingent man. Our Secretary is relinquishing his job to join up. Many of our union members are overseas. We wish we had them now in this department, the hot mill and the warehouse, which ordinarily employs - that is, the hot mill, the warehouse and the galvanizing - around 600. There are 140 in the active



service now, many of our best union members.

Our main idea was not to do what Mr. Brewin has so ably done, tell you all the technical steps that should be taken to make this Bill work, but merely to point out that there is a definite need for a Bill like that. When employers refuse to even take a vote to decide the bargaining agency of the men's own choosing, people do not like that stuff very well. After what is said and done in company unions and things like that - they are something Hitler believes in --

THE CHAIRMAN: I did not think he believed in any union. A. That is the same way of saying another thing: that sort of employee-employer relationship does exist in Germany. The trade unions as such do not. There is no need for me to go into the history of that, how Hitler on his way to power put down the trade union people, beat them up, and that sort of thing. There is a strong division there. That division is accentuated now because people think more about those things. They realize what Hitler is and realize what democracy is.

We have applied for a board of conciliation. We have applied to the Federal Government. We also applied to Mr. McMaster, and I am sorry to say we have not had a great deal more success with these other people, although I believe a board is being granted. We will go along with that. It has aroused hard feelings because the company have published these advertisements throughout the country which we do not



consider to be true representations of the fact. They appear to us to be efforts to blacken the name of Local 1005 and eventually destroy it. All this could have been avoided had this Bill been previously enacted, and even by the enactment of some such bill as this, it may come in time, because these boards of conciliation are notoriously slow pieces of government machinery. It may yet come in time for a vote to be taken. We are willing to abide by the result, today, tomorrow, any other time, we told the management that, yet they say all these hard things about us. They in effect say, "You will win the vote hands down," because they do not take one. If they thought they would win I don't think they would be unwilling to take one.

MR. MACKAY: Mr. McClure, would you tell the Committee the percentage of your membership relative to the total of the men employed in the Steel Company?

A. I am sorry, Mr. Mackay, I am not at liberty to do so. I would very much like to.

THE CHAIRMAN: We understand your position.

WITNESS: I do not object to the position at all. It is a matter of policy. There are more union members than there are on this council. I do not say how many more, because it also is the policy of the Union not to reveal it to an employer or his agent. In that case that would mean a public gathering.

MR. MACKAY: Are you satisfied to have a majority only?

A. Yes, we are not worrying about that.

MR. ANDERSON: What employees would be eligible



to join these steel workers?           A. We believe, sir, less than four thousand. There are more employees than that. We are taking the voters' list for the employees representation plan, which excludes watchmen and guards and office employees in a confidential capacity.

Q. I notice you include everyone employed in the production of steel and iron.

A. Anything below the rank of a foreman and these other people in confidential capacity, including your watchmen and guards.

That is a rather sketchy outline. I am filing this brief with our letter to Mr. Hilton; a copy of a letter Mr. Hilton we understand sent to Mr. Maclean, and sent a copy to us, which I believe he is required to do by law; a brief which we sent to the Regional Board; and a copy of the company's advertisement which appeared across the country and you undoubtedly have all seen.

THE CHAIRMAN: I think it is rather regrettable you did not go through for law. You would have made a very good advocate. It is hard to resist your argument, you put it in such a manner - free from any bitterness as the result of your experiences. It is very nice to see a man with a smile.

WITNESS: Mr. Chairman, a case like this does not need very much ability. It speaks for itself.

MR. GARDHOUSE: You must be an Irishman.

A. I have some Irish blood in me.

MR. P. CAVANAGH (An employee of the Steel



Company of Canada, Hamilton): Mr. Chairman, would it be in order if I attempted to explain the attitude of some of the workmen of the Steel Company? There is a possible reason why Mr. McClure has not got further.

THE CHAIRMAN: Do you want to ask Mr. McClure any questions?

MR. CAVANAGH: I would like to ask a question. Of the three basic steel producing companies in Canada, only the Steel Company, which was not under the control of the C.I.O. did not strike in the last steel strike. A lot who joined the C.I.O. have since turned in their memberships for that reason.

THE CHAIRMAN: I do not get the question which you are asking him.

MR. CAVANAGH: The feeling of a workman asked to join the C.I.O. in the Steel Company of Canada, one question that enters his mind is whether he wishes to have the C.I.O. as his bargaining agent since in the late steel strike the only basic steel producing plant which did not go on strike was the one which was not under the control of the C.I.O.

MR. FURLONG: That is a statement; it is not a question.

THE WITNESS (MR. McCLURE): In that regard I do not agree that this plant was not under the control of the C.I.O. The question of a strike was discussed and the course of action was decided on, which was followed. Because a strike did not take effect does not necessarily say a strike could not have taken effect. I do not believe it was impossible that a



strike could have taken place which would have crippled that particular plant the same as any strike could cripple a plant.

MR. CAVANAGH: That is the question that is bothering a lot of the men. The statement was made during the organization drive that no strike would be held in the Steel Company of Canada.

THE WITNESS: No strike has been called in the Steel Company of Canada.

THE CHAIRMAN: Mr. Cavanagh, you come up here and make your statement.

PATRICK CAVANAGH, Sworn.

EXAMINED BY MR. FURLONG:

Q. Are you a member of the United Steel Workers of America? A. No, I am not. I am not a member of any organization.

Q. Will you kindly explain the statement you made there? Are you an employee of the Steel Company?

A. I am an employee of the Steel Company.

THE CHAIRMAN: Which steel company?

A. The Steel Company of Canada.

MR. FURLONG: Q. In Hamilton?

A. I am a first helper in the open hearth.

Q. Is that the same plant where this particular union is supposed to have members? A. Yes.

Q. Your statement, as I understand it, is to the effect that many employees who have not joined the C.I.O., or Steel Workers of America, are asking the question why it is that the Steel Company of Canada



is the only place where there was not a strike, and it is also the only plant not under control of that union?

A. That is the question in the back of their minds when they are asked to join this union.

Q. Are they afraid that if they join they may be called out on strike, something of that kind?

A. Yes. A great many men do not believe they should strike under any circumstances at this time.

Q. For patriotic reasons? A. Yes.

Q. Have you any further statement to make?

A. I have no further statement. My point of view, and the point of view of a great many men at the Steel Company will be fully expressed in the next brief you will hear.

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MR. PAT SULLIVAN: There is a question I wanted to ask the last witness but he got off the stand.

T.W. McCLURE, Recalled.

BY MR. SULLIVAN:

Q. I understand, Mr. McClure, that you filed a copy of an advertisement. Is that <sup>the</sup> advertisement that appeared throughout the Dominion of Canada in the press?

A. Yes, Mr. Sullivan.

Q. Who paid for the ad? A. The ad in question, Mr. Sullivan, is published by the Steel Company of Canada Limited, Hamilton and Montreal.

MR. SULLIVAN. I ran across the same ad, Mr. Chairman, at least ten times. That cost \$600. I would



like to leave the thought in the minds of the Committee that Mr. McMaster of the Steel Company can deduct that out of any income that he turns in to the Government - it is deducted the same as any contribution to the Red Cross or anything else, and they are using indirectly funds belonging to the people of Canada to fight our own organization.

THE CHAIRMAN: I have never seen this advertisement before, but I notice that it purports to be signed by "A Committee of the Independent Majority of the Steelworkers of the Steel Company of Canada." Do you know anything about the independent majority?

141 MR. FURLONG: I think you will hear something about it in the next brief, Mr. Chairman.

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REPRESENTATIONS OF THE CANADIAN  
FEDERATION OF LABOUR

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MR. FURLONG: Mr. Chairman, we have here tonight the Canadian Federation of Labour.

MR. A. MEIKLE (President): Mr. Chairman, and honourable members of the Committee, tonight I am about to introduce a delegation of independent organizations, mostly from Ontario, who comprise I think more members than the C.I.O. and A.F. of L. put together, all Canadian citizens who want to make themselves heard by this Committee on the Bill that is about to be discussed by the Government.

We had the pleasure a month ago of appearing before the Prime Minister, Mr. Conant, and the Honour-



able Peter Heenan, and after a very good hearing we were assured that some of the fears we did entertain concerning this Bill would certainly not be in it. Because you realize that free men, free and independent organizations, value that freedom very much. They look with a great degree of suspicion at anyone who would traverse the privilege of a man to join the organization of his choice, because that is the basis of all labour organization, irrespective of what certain people might say against independent organization.

I have listened to a speaker tonight talking about two major bodies. The other groups were just tied together, tailing along, as it were. That is rather amusing. I am sure the Honourable Mr. Peter Heenan, Minister of Labour, would scratch his head at that one, because he belonged to an independent group himself, one of the most important in the Dominion of Canada, with no closed shop, no check-off, one of the most successful organizations in this or any other country.

I happen to belong to another independent organization, and have ever since the inception of the trade union movement read and learned that independence is the finest part of any man or any institution. When it is trammelled by any form of dictatorship or compulsion progress ceases immediately, and only men and women of independent mind and independent character have been able right down through the ages to produce a set of conditions that brought about



improvement in the social and other structures of society. I do not blame some of those individuals who castigate the independent organizations because they have not been just as vocal as the smaller groups, and they have not fallen victim to shouting with the biggest crowd at every turn in the road. Nor have the independent organizations attempted to explain to the Government or a committee of the Government what should be in the Bill and how it should be constructed. Free organization can be very brief in explaining its position. It has a few main tenets, tenets laid down by our forefathers that man in his struggle upward will have the rights and privileges to exercise freedom of speech, freedom of assembly and freedom of association as conditions. We know that it is our inalienable right, and I assure you, Mr. Chairman, that any group who would dare try to traverse that particular principle would find that, at the moment fairly inarticulate, fairly independent, men would have a whole lot to say at the testing time.

143

It is to evade that particular vortex that this number of organizations have been brought together for the common purpose of jointly protecting their interests. They do not all belong to the Canadian Federation of Labour, but they have all got something in common, and that is to preserve that inalienable right to belong to the organization of their choice.



As I said before, in front of the Prime Minister, I had not much fear that a Government of Ontario, or any other province, would put into that Bill something to deprive me or my fellow workers of the right to join an organization of our choice - I had no fear of it. But the mutterings of certain individuals, both political and industrial, on the public platform and other places were rather disquieting, and then appearing in the public press of the country were certain documents that were supposed to portray, as it were, what this Bill would encompass. It was because of those particular mouthings, and those particular paper reports, that a spontaneous meeting of all our group took place in the City of Toronto a month ago to air our views in this matter. I assure you that, having had the opportunity to do so, we appreciate that opportunity to a great degree.

I will not go into a long story of the basis of all labour organizations tonight, because the hour is late, and because I have a brief here to present to this Committee, and a few more speakers who will in detail explain the particular situation in their localities.

With those few remarks, Mr. Chairman, and members of the Committee, I would ask Mr. Burford, Secretary-Treasurer of the Canadian Federation of Labour, to read to you the memorandum we have to submit to this Committee.

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W.T. BURFORD, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Burford, will you tell us where the headquarters of this organization is?

A. The headquarters of the Canadian Federation of Labour are in Ottawa. The organization, I might explain, was established in 1902, when the Trades & Labour Congress of Canada, an organization which is still functioning I believe, became the mere subsidiary of the American Federation of Labour, and the Canadian unions walked out. At that time it was found more convenient for the members of the Labour Congress of Canada to arrange for the collection of the dues from the Canadian membership through the offices in the United States, to which they reported individually, and that arrangement I believe has obtained ever since, but at the convention in the Ontario city of Berlin in 1902 the independent Canadian organizations which were affiliated at that time with the Canadian Trades & Labour Congress walked out, and have been out ever since.

Q. How many are there now - how many locals or affiliates?

A. I have here somewhere a list, Mr. Chairman. The ones which are particularly represented here tonight, apart from the national unions which compose the general membership of the Canadian Federation of Labour, are those which are regarded as independent shop unions. The matter which we desire to emphasize before this Committee concerns the



independent shop unions, who fear that their rights and opportunities will be curtailed by this legislation.

Q. Could you tell me how many unions there are, or locals, as you call them - about how many?

A. We have here a list of about thirty of the independent shop unions in Ontario.

Q. About how many members would that comprise?

A. The total membership represented in Ontario would be between 75,000 and 80,000.

Q. Will you proceed with your brief, Mr. Burford?

THE WITNESS:

"Submission on Behalf of -

The Canadian Federation of Labour;

The Canadian Federated Council of  
Employees and Associated Bodies

to

The Select Committee appointed by  
the Ontario Legislature

---

The Canadian Federation of Labour and The Canadian Federated Council of Employees and Associated Bodies comprise a substantial number of workers groups, associations and organizations each free and independent of the other and associated together for coordinated action in protecting, preserving and advancing their mutual rights and interests individually and collectively. While many of these organizations do not designate themselves as 'unions'



"they have all functioned and served the interests of their members and their fellow workers for many years. Many have been active useful organizations for many years, and all are active influences in Canada's war production today.

The aims and purposes of these organizations have been at all times the common interest of their members and fellow workers - maintaining satisfactory employer and employee relations, safe-guarding and advancing the welfare of the workers in matters of wages, hours, working conditions, pension fund plans, mutual benefit, social and recreational activities and other conditions contributing to the betterment of their position as working men and women and to the attainment of improved standards of living for themselves and their fellow employees.

We would welcome a Law which would -

- (1) Prevent any abuse by employers of any economic advantage as buyers of labour;
- (2) Be designed solely for Canadian conditions; rather than patterned on foreign legislation;
- (3) Recognize and preserve contractual relationships voluntarily established and mutually satisfactory to both workers and employers in any undertaking;



"(4) Safeguard the right of the workers to form their own unions, locally and in a single workshop if they so choose, without being threatened with loss of livelihood for neglecting to subscribe to a union which seeks monopolistic control of a whole trade or industry; and,

(5) in general, do nothing to hamstring the freely-formed organizations of the workers, or to legislate any of them out of existence.

The New York Herald Tribune relating to labour in the United States recently stated that the total membership of the A.F. of L. and the C.I.O. did not include as many as 1/5th of the workers in the United States. Since labour in the United States has been organized by these two organizations on a much more extensive scale than in Ontario by its two Canadian subsidiaries the ratio is considerably less here than there. In Ontario there are at least 20 out of every 25 workers who do not belong to either of these two subsidiaries and those workers who have organized themselves into organizations such as we represent constitute no insignificant proportion of that 20/25ths group. Their collective memberships run into many hundreds of thousands in hundreds of industries located in every municipality in



"the Province of Ontario. They have developed their own vigorous and active independent unions, Shop Committees, Works Councils, Employees' Associations, Employees Representation Plans, Benefit Societies, Pension Fund Associations and other benefit and welfare groups.

Here is a great body of labour in Ontario which is now restless and seriously disturbed. When the present contemplated labour legislation was first mooted in Ontario, The Honourable Mr. Hepburn and the Honourable Mr. Conant gave to the public the first intimation of what they then had in mind, the following public statements having been made by them and published in The Globe and Mail issues of October 29th and October 31st, 1942.

Mr. Hepburn

To ensure labour peace and maximum production a Bill recognizing the right of collective bargaining for labour is to be introduced in the Legislature following present conferences being held with the two Labour Congresses of Canada . . .

This bill is now being drafted under Premier Conant as Attorney General.

Mr. Conant

The new labour bill will be framed to meet the wishes of the Canadian Congress of Labour and the Trades and Labour



"Congress of Canada as far as possible.

In any event it will give labour unions legal status and will establish the principle of collective bargaining.

From these statements and the constantly reiterated statements of the Honourable Mr. Heenan a vast uneasiness rapidly spread through the workers of Ontario that the proposed labour enactment would not constitute a new Code for Labour in Ontario but would be framed as preferential legislation for the two 'Congresses' would be discriminatory union legislation and be of a prohibitive nature insofar as all other labour is concerned.

The statement which Mr. Heenan is alleged to have made, namely - 'This Bill will go through or I will raise a hell of a row', and the reports published in the Press to the effect that the proposed Bill had been drafted by J. L. Cohen, K.C., did not tend to allay suspicion and that suspicion still festers in the minds of the workers and the people of Ontario today.

Labour organizations such as we represent are constantly subjected to scurrilous and violent attack by the C.I.O. and are branded by what its paid organizers and agitators consider the offensive appellation of 'company unions'. Of course the C.I.O. resents the formation of these free and independent bodies



"because the workers find out that they can get along better among themselves without the intervention of foreign and outside agitators dependent for their fat livelihoods on the pay envelopes of the workers and stirring up and fomenting constant labour unrest particularly in plants engaged in vital war production.

The constant prating of the C.I.O. that its primary object is to stimulate war production and maintain co-operative harmonious relations between employer and employee will not stand the test of close examination. The whole history of the C.I.O. in the United States and Canada since the war began has been one constant procession of stimulated strikes in major war industries and the attention of the Committee and the public is drawn to the fact that insofar as the C.I.O. is concerned war industries and war industries alone have been the prime target of that organization. That such is the case in Canada is evidenced by the statement made by Tom Moore, Chief Spokesman for the A.F. of L. in Canada, that 80% of War-time strikes in Canada were called by C.I.O. Unions. If its interest lies in peaceful labour relations and stimulated war production it has taken a most astonishing way of demonstrating that intention.

The Employees' Associations and organizations

1. The first part of the paper is devoted to a general discussion of the problem.

2. In the second part, we consider the case of a single particle.

3. In the third part, we consider the case of a system of particles.

4. In the fourth part, we consider the case of a system of particles.

5. In the fifth part, we consider the case of a system of particles.

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21. In the twenty-first part, we consider the case of a system of particles.

22. In the twenty-second part, we consider the case of a system of particles.

23. In the twenty-third part, we consider the case of a system of particles.

24. In the twenty-fourth part, we consider the case of a system of particles.

25. In the twenty-fifth part, we consider the case of a system of particles.

"which we represent include a number of organizations which the C.I.O. wrongfully stigmatizes as 'company unions' because the employer and the employees have co-operated in the interests of harmony, the welfare of the workers and increased war production. These organizations are violently attacked because they have successfully resisted the attempted inroads of the C.I.O.

Associated with the organizations which we represent are Mutual Benefit Societies, Pension Fund Associations, Recreation Clubs and other workers welfare and social organizations. In many cases they receive partial support and valuable assistance and guidance from the employer.

All of these workers organizations are a menace to the seizure by the C.I.O. of universal power over the workers of the Province and are consequently the subject of constant unjustifiable vituperation and attack. That they supply and fulfil the needs and desires of the workers and provide a priceless co-ordination of employer-employee functions is conclusively established by the fact that unrest, disturbance, and strikes are virtually unknown in those industries where they function free of molestation and interference from the C.I.O.

We regret that we have been impelled to



"allude in this brief to the C.I.O. but its violent unwarranted and untruthful attacks on the groups which we represent made it imperative that we answer in no uncertain terms.

We welcome a new Labour Law which will constitute a new Bill of Rights for labour in Ontario.

We recognize the free and democratic right of workers to organize and to govern themselves

We recognize progressive labour legislation as desirable social legislation of a comprehensive nature touching and affecting the lives and welfare not alone of the workers but of every individual and every community.

We believe in a Bill of Rights for labour which will provide adequate rights and protection for all but which will give to no organization or group special rights, powers or privileges to the curtailment of, interference with or destruction of the rights, freedoms, privileges and duties of others.

The question consequently arises how can these objectives be attained. Demands have been made that the Bill must (a) remove the stigma of illegality from trade unions. (b) prohibit the setting up of 'company unions' or 'shop unions'. (c) provide that



"employers must enter into collective bargaining agreements with representatives whom their employees have selected. (d) establish the check off."

THE CHAIRMAN: No, you are wrong there. That has not been asked for.

WITNESS: Not before the Committee.

THE CHAIRMAN: That is what we are (the Committee).

WITNESS: I understand it has been publicly advocated by certain organizations.

MR. FURLONG: It may yet be asked for.

WITNESS: Including a political group. However, we will leave that out.

"(e) provide that trade unions be given special protection against legal proceedings by employers. (f) provide for the appointment of an Administrator of the Act whose decisions shall not be subject to review by the Courts.

(A)

Professor Finkelman has advised the Committee that trade unions are illegal in Ontario but there is a wide divergence of opinion among Ontario lawyers as to this and as to the extent of the illegality if any such illegality does exist. If the term trade unions as used by Professor Finkelman means and includes employee organizations such as we represent and such are in fact illegal in Ontario law then we agree that all should be given legal status.



(B)

"With the proposition that the law illegalize certain forms of existing organizations, many of our federated bodies distinctly do not agree and in this they are supported by other labour organizations which we represent. They assert that they have functioned effectively and well in advancing the workers welfare and interests and without strife or strike and consequent interference with production. This position they take with firmness and assurance and particularly now at a time when Canada's war production is so vital to the preservation of the lives of the men at the front and the maintenance of the democratic principles for the preservation of which they are now risking their lives. If the employees wish to solicit co-operation with the management and assistance or other support that is their inherent democratic right and must not be taken from them. Any attempt to take that right from them will be strenuously resisted by them now and in the months and years to come and can lead to nothing other than bitterness, accentuated resistance, dissatisfaction and unrest.

(C)

We hope the law will facilitate collective bargaining but the question of sole collective bargaining rights raises many matters of



"supreme difficulty. Many plants are divided into departments employing labour of a particular skilled class or type. Frequently the workers of such a department are determined to regulate and govern themselves and their own affairs independently of all other departments and of all other workers. In many plants there are several or many such departments similarly disposed. In these cases how can one particular union, group or association be super-imposed on those who are not prepared to yield up their own individual or group rights. In many other plants such conditions do not exist but in many plants a condition does exist where some of the workers belong to a union affiliated with a central body while others belong to an independent local organization of their own. Frequently these are in open and bitter opposition to each other but in most cases the affiliated union demands the sole bargaining rights while the independent body demands bargaining rights for its members only. In these cases it is impossible to super-impose the one on the other without producing chaotic results. These are the facts and no law can change them. The only answer seems to be that before one is given domination over the other it must establish an overwhelming preponderance of membership. This inevitably leads to another matter of prime importance. Due to the war many



"plants engaged in essential war production have expanded in varying degrees. In some of these plants new employees outnumber old employees of long standing. On the termination of the war many of these plants will have to revert to their peace-time production with consequent major diminution of the number of workers employed. It is only natural to assume that those retained will be those who were with the company in times of peace and trained and skilled in the company's normal peace-time production. On any plant vote to determine the bargaining agency consideration must be given to this highly important factor and we recommend that any Bill must make adequate provision in this respect. Many of our members have suggested that on a plant vote each employee should have one vote for each year of his employment with the company. Others have made other suggestions based upon other periods and on other factors but virtually all are agreed upon the principle that length of employment confers some and even considerable rights.

(D)

We also recognize that if any organization is given the sole collective bargaining rights it can and usually does very quickly force every employee to join that organization and pay whatever the demanded dues may be. While our



"federated groups as such would like to have the check off because it would make enforced payments easy we find that the members individually are violently opposed to this.

(E)

We also realize that if any organization is given the sole collective bargaining rights and consequently put in the position where it is able to force every employee to join and pay dues that organization immediately becomes subject to certain clearly defined responsibilities. In the first place being able to force payment of dues by the employees those dues should partake of the nature of trust funds and should be accounted for to the members penny by penny and publicly to the Government which has given to it this powerful weapon over the employees' earnings. We recognize and accept this elementary principle.

In the second place we point out that the reason why most collective bargaining agreements are unenforceable is due to one elementary fact. In Canada very few unions or workers associations, organizations or groups have sought incorporation or availed themselves of registration under the Dominion enactment. This has left them in the position where they do not constitute any legal entity in law. The result is that when they enter into a collective bargaining agreement with an employer the contract is a purely one sided contract. In other words one party to the



"contract, namely the employer, is a recognized legal entity capable of contracting and obligated to fulfil his contractual obligations. The other party, namely the union, association or group, is not a legal entity and is not bound or obligated by the contract. This leads to the result that there is in fact no contract recognizable by law, and the necessity of some form of legal status.

It has been suggested that the Act provide for the appointment of an Administrator of the provisions of the Act whose decisions shall not be subject to review by the Courts. We are opposed to this almost to the point of defiance. We believe in our law and our system of justice. That is the bulwark which separates democracy from Nazism. We are unprepared to place ourselves in the hands of any Administrator appointed from time to time by the Government then in office or to surrender to any Administrator or to any Government our just legal rights.

In conclusion we refer to the statement that if a collective bargaining bill is not brought in the country faces a serious wave of strikes brought about by provocation. That statement must have referred only to the C.I.O. Since the outbreak of war the history of other unions has certainly not been one of persistent and widespread strikes throughout the essential war industries and in defiance of the law. In



"addition, many of our associated organizations have no collective bargaining agreement but we manage to look after ourselves in our own way and get along and settle our differences without strife or strikes. We welcome a law establishing collective bargaining rights provided that it is a law that is fair to all, will prevent labour racketeering and the fomenting of labour disputes and unrest for ulterior purposes and will safe-guard and protect the rights and liberties of the workers as a whole."

MR. FURLONG: Q. Mr. Burford, am I to gather from this brief that you are opposed to making collective bargaining compulsory?

A. No, sir, we are in favour of making collective bargaining compulsory under proper conditions, with proper safeguards.

Q. Now then, are you opposed to having provisions in an Act to determine who the collective bargaining agent shall be? A. No. There would necessarily be such provisions in any such Act, so far as we can foresee. But we believe that the mere fact that on a certain agreement a particular organization has a majority say of one in a plant should not entitle it to the exclusive bargaining rights. We believe that seniority rights are important in industry, that a man who has worked say ten or fifteen years and become a veteran employee has more claim to his job than the person who was taken on casually last



week and who may be out next week. There is a wide fluctuation of employment, particularly in war plants.

Q. But is that not a question of negotiation when it takes place around a table between the bargaining agent and the employer?

A. In establishing who shall be the collective bargaining agent, I mean it is rather important. We think that some regard should be had to a man's stake in his job, acquired by long service. We think that a man who has been ten years with a firm should have a bigger share of voting power than a person who has just been hired, and who might not be there next week. The thing is subject to abuse not only by labour organizations but by employers as well. It might be convenient for some employer in collusion with a labour organization to increase his staff at a certain period by a small number to get a 51% majority for a certain group. To prevent any collusion of that kind we think serious study should be given to the question of allowing voting power on a basis of seniority of service.

Q. But, Mr. Burford, if a collective bargaining agreement was negotiated by say 51% of the employees who had chosen a certain union to be their bargaining agent, that agreement would only apply to the union members, the members that belong to that union. It would not apply to those who did not belong to it, unless there was a law compelling a closed shop. No such thing has been asked for by any union. So the agreement would in its terms take care of those



problems you are worrying about I think, unless you can enlighten me along that line.

A. Not necessarily, sir. It is possible for an open shop agreement to be applied coercively and oppressively by the contracting union so workers who were entitled in the terms of that agreement to its full benefit are deprived of their rights. As a rule a union which has bargaining rights makes an agreement with an employer covering all employees of such class, craft or category, but it is the practice in certain quarters to steal the rights of workers who are not members of the Union that has the agreement even in an open shop.

Q. Doesn't every union acknowledge seniority?

A. A gentleman says, "In what way?" I should like to read to you a clause in the constitution of a respectable labour organization called the Grand International Brotherhood of Locomotive Engineers:

"It shall be the policy of the B. of L.E.

to restrain the seniority privileges of full-time non-member engineers. General Committees of Adjustment under the jurisdiction of the G.I.D. are hereby authorized and instructed to use their best endeavours with their respective managements to retain for the members of the B. of L.E. preference in passenger, mixed trains, assigned freight runs, and switch engines. Engineers who are not required to revert to firing service, and who have not availed themselves of an opportunity of joining the B. of L.E.,



"or hired engineers who are not members of the B. of L.E., shall not be given assignment as herein set forth unless no member of the B. of L.E. makes application therefor.

As these conditions are obtained it shall be the policy of all Divisions under the jurisdiction of the G.C. of A. to set an entrance fee for the full-time engineer applicant at the amount of money equal to the amount of the G.C. of A. dues and assessments which he has evaded paying at the time his application for membership is received."

That is to say, that the Brotherhood of Locomotive Engineers may enter into an agreement with a railway company guaranteeing to all employees certain seniority rights but the members of the B. of L.E. are instructed to try to steal away those rights when opportunity occurs.

Q. But if in the collective bargaining agreement they were preserved, they would be preserved irrespective of the provisions in the constitution.

A. I think they would be preserved if, in the first place, they were so safeguarded they could not be snatched away. That is, in determining which is the bargaining agency, if due weight were given to seniority, to the man's stake in his job, though we do not wish to submit any formula or to usurp the functions of the Committee in drafting the bill, we do suggest you might study that question rather seriously, because it is important to a great many



workers in industry.

I should like to file with the Committee a facsimile reproduction of the B.L.E.'s constitution covering that point.

--EXHIBIT 70: Constitution and by-laws of the Grand International Brotherhood of Locomotive Engineers, containing clause read at page 612 of this record.

Bearing on that point, Mr. Chairman, a suggestion was once offered to another legislative body that the rights of the minority under an open shop agreement could be effectually safeguarded by a provision in any collective bargaining Bill specifying what those rights normally are, and they should be enjoyed equally by non-members of the contracting organization with those who are members. There is a draft of that legislation in my hand, and I would like to read it to you.

MR. FURLONG: Q. What Act was that taken from?

A. This was never enacted. It was just a proposal submitted to another legislative body, that in a collective bargaining Act or anything of that nature provision should be made to protect the rights of minorities under ostensibly open shop agreements, and the provisions ran like this. This is very short, and was drawn up with particular reference to one industry, the railway industry. This is quoting the basic principles:

"That the union representing the majority of the employees of any employer shall be recognized as the representative union."

That is, the representative union should be the



union having the majority.

"That all negotiations between any employer and the employees in any class, craft, or category respecting wages, conditions of labour or terms of employment, shall be conducted between the employer and the representative union, and no person except the accredited officers of such representative union shall have the right to negotiate for such union or to enter into any agreement on behalf of the employees in such class, craft, or category.

That all employees who are members of any union which is not the representative union shall be entitled to and shall (except as to the right to negotiate for, and, in dealings with the employer, the right to represent the employees of such class, craft, or category) receive the same benefits and privileges, and shall in all respects enjoy the same terms and conditions of employment as employees of the same class, craft, or category who are members of the representative union or as employees who are represented thereby."

If that suggestion is of any value --

Q. What legislature was that submitted to?

A. To the Dominion Government as an amendment to the Railway Act. It was a proposal which was not accepted.



MR. HAGEY: Q. Have any of your organizations or employee members of your organizations been injured by collective bargaining organizations in other provinces? A. No, they have not that I recall.

THE CHAIRMAN: Have they been helped?

A. I think to some extent they have. I think the Saskatchewan legislation and the Manitoba legislation are models which might well be studied.

MR. FURLONG: Q. Then I take it you are opposed to any provisions which outlaw company unions?

A. Company unions are difficult to define in some cases. In general, however, taking the ordinary accepted definition as applied by the Honourable Mr. Heenan, a company union is one which is dominated or financed by an employer, we do not regard that as a satisfactory form of organization. On the other hand, we are not here gunning against company unions, any more than we are gunning against other organizations. If we were to ask the Legislature to outlaw company unions we would put them in second place after the C.I.O. We are not asking them to do that to the C.I.O.

Q. You are not asking that they be outlawed because you do not like them. Is that it?

A. No, we will fix them.

Q. What is your attitude with regard to the yellow dog contract? A. I should like to know exactly what is meant by "yellow dog contract". There seem to be a great many varieties.

Q. From the evidence given here, I understand it is one of those contracts which the employer asks



the employee to sign, stating that he will not join a union, or take part in union activities, something of that sort. They promise them money and better jobs not to join a union.

A. We are definitely opposed to that form of coercion.

Q. What about the incorporation of a trade union - what is your attitude on that?

A. Frankly, sir, I don't know to what extent incorporation would relieve the situation.

Q. You are not asking that unions be incorporated?

A. We believe that where a union acquires the bargaining rights and is put in a position to exercise any pressure upon workers to become members and subscribe to its funds regardless of their wish in the matter, that that union should be compelled to register - at least, to give the members an accounting of the funds it takes from them, or collects from them. We believe it should give an accounting to those members.

Q. You think there should be some form of registration?

A. My own particular union is registered under the Trade Unions Act in Ottawa, and a great many of our unions are registered in that way.

Q. Have you any of your locals registered under the law of any of the other provinces?

A. In British Columbia, I am not familiar with the exact form of the law, there is a system of registration there. I don't think it is very seriously enforced. I think it only amounts to submitting the names of the officers of a union and filing an



occasional balance sheet. I don't think it is enforced seriously.

Q. What is your attitude with regard to the imposition of penalties for violation of any of the rights an Act might impose or give - rather, I should say the imposition of penalties on companies for violating any of the provisions of a collective bargaining Act?

A. I don't think we have given any particular study to the possibility of violation, sir. I suppose no bill would be complete without a penalty clause.

Q. In other words, it would be like the Versailles Treaty?

A. That is about it.

Q. Have you given any thought to the method of administering the Act, the plan to be adopted - to set up a board of one man, or three men, or five men to act as a court to decide labour troubles?

A. No, sir, we have not essayed to draft the Act to that extent. We have registered our opposition to having an administration free from review by the courts. We believe the workers should have access to the courts to enforce their rights.

Q. You think if there is a board set up, there should be some appeal from it to a court?

A. I think so. I think we are justified in taking that view by what has occurred in the United States, where I am told they have an enormous body of new jurisprudence piling up in rulings and precedents, which almost exceeds the entire legislative effort of the United States, and I think when you embark on



these extra-legal ventures where you cannot have recourse to the ordinary courts of justice you are engaging in a very dangerous experiment. I do not believe the workers should be debarred from access to the courts for any purpose.

MR. BREWIN: Is Mr. Burford coming back by any chance? I would like to ask some questions, but I hate to take the time of the Committee at this hour of the night.

THE CHAIRMAN: Are you coming back, Mr. Burford?

A. No, sir. I am going away as soon as I can. I have a berth on tonight's train. If I do not take that train I will have to walk.

MR. BREWIN: What I do want to ask him about is whom he represents.

Q. First of all, you mention 85,000, some of whom were in the Canadian Federation of Labour - that is your organization, Mr. Burford?

A. Mr. Chairman, we did not query this gentleman when he was giving his testimony. If it is your desire that I should answer his questions, I suppose I am in your hands, but we have not made a practice of listening to the gallery.

THE CHAIRMAN: The Committee decided that, although we have the power to subpoena witnesses and all that, there would be no compulsion here, that if any person wanted to come in and express his views and answer questions it would be perfectly free and voluntary on his part. If he does not want to answer questions he does not have to.



MR. BREVIN: I should explain in fairness to Mr. Burford, I am informed by my clients that his claim to represent 85,000 workers is one that cannot be substantiated. If Mr. Burford does not choose to answer my questions about that, we will have to accept it. I am telling him those are my instructions, that they very much doubt his right to speak for such a body of workers.

THE WITNESS: Mr. Chairman, that provokes a remark. I don't know whether we have here present the actual representatives of the groups with which we are particularly concerned tonight in connection with this Bill; that is, the groups who fear they might be outlawed as shop unions and so forth, but I have here a list of those particular organizations, and if the members of them who are in the hall would like to stand up and identify themselves, it might be a help. Some have gone home, unfortunately. These, I might say, are outside of the regular membership of the Canadian Federation of Labour, which is 51,000, and these represent very large bodies in the Province of Ontario, commonly called employees' associations or shop unions.

---(Reporter's Note: The witness then called out the names of the following organizations, and the representatives of the same stood up.)

Canadian Westinghouse Employees' Association

Otis-Fensom Independent Union

Loblaw Employees' Association

Sawyer-Massey Employees' Association

National Steel Car Employees' Association



Burlington Steel Employees' Works Council  
Atlas Steel Workers' Independent Union  
Greening Wire Workers' Independent Union  
Hamilton Cotton Workers' Association  
Kirkland Lake Workmen's Council  
United Copper Nickel Workers  
Chromium Smelter Workers' Union  
London Concrete Machinery Shop Union  
Schultz Die-Casting Workers' Association  
Proctor & Gamble Employees' Committee  
Royal Oak Dairy Employees' Association,  
and 17 other Dairy Employees' Associations.

Those are the particular organizations that are mostly concerned.

MR. BREWIN: I am wondering if Mr. Burford would want to answer any questions about the Canadian Federation of Labour.

THE CHAIRMAN: Ask him and we will find out.

MR. BREWIN: Mr. Burford, have you any objection to telling us in what industries the Canadian Federation of Labour finds its representatives? You spoke of there being 51,000 members.

WITNESS: That is a matter of public record. The list of organizations embraces workers in the communication field, the railway field, the coal mining field, and in almost every variety of trades throughout the country. They are building ships; they are building houses, and they are scattered far and wide, but that is the normal membership of the Canadian Federation of Labour as certified by Government



inspection of the records, 51,600.

Q. For example, have you any members in the National Seamen's Association?

A. The National Seamen's Association?

Capt. McMaster, what do you represent?

CAPT. H.N. McMASTER: The Canadian Brotherhood of Marine Engineers and the Mercantile Marine Officers' Guild, about 9,000. (Also National Seamen's Assn.)

MR. PAT SULLIVAN: Could I ask Mr. Burford a couple of questions, if it is all right with the Committee?

WITNESS: Mr. Chairman, I do not wish to answer questions from members of the public if it is not your particular desire that I should answer them. I do not wish to hear the question. We are here to see the Committee, to lay our case before this Committee, not before Tom, Dick and Harry who gets into the hall.

MR. SULLIVAN: I think Mr. Burford should be told I am representing an organization which is not paper.

WITNESS: I know. You just came out of jail.

MR. SULLIVAN: Mr. Chairman, I would like to know where this organization --

MR. MEIKLE: Mr. Chairman, I am introducing a delegation. Mr. Burford has refused to answer the question.

THE CHAIRMAN: Mr. Burford does not care to answer the question, and the Committee have decided they are not going to employ any of their powers of compulsion. They are not going to subpoena people



59 here who do not want to come. There are a lot of them making a lot of public statements and telling us what we ought to do. We thought at one time we might subpoena them here, put them under oath, and have them tell us what we should do. Then we decided compulsion was not any good, if a witness does not want to answer a question.

MR. SULLIVAN: Mr. Chairman, I realize your difficulty. Could I leave this file of sworn statements, Mr. Chairman, which will show the racketeer union was the National Seamen's Union. There are 45,000 seamen on the Great Lakes, and we have thirty of them.

---EXHIBIT 71: File of documents deposited by Mr. Pat Sullivan.

MR. MEIKLE: As this happens to be a delegation I wish to introduce, I ask you to hear Mr. McKelvey of the Westinghouse.

CANADIAN WESTINGHOUSE EMPLOYEES' ASSOCIATION

J.R. McKELVEY, Sworn.

THE WITNESS: Mr. Chairman, I am here to speak for the Canadian Westinghouse Employees' Association only. We formed the Association close to two years ago, and we have operated ever since. I hold the position of Secretary-Treasurer of that Association.

We have a different condition at our plant than most plants have. We have 2300 men at least who have served with the company over ten years, and about 900 of those have served over twenty years. The biggest



majority of these men do not want to belong to any organization whatsoever. They have been satisfied with the treatment they have received.

THE CHAIRMAN: You mean they do not want a company union?                   A. Do not want any kind of thing. They are satisfied. We have organized, we have a goodly number, we do not claim to have a majority of all employees. But we want these older men protected as well as our own association. We do not only deal for our own association members, we deal for all employees in the plant. We have a verbal collective bargaining agreement with the company, and we meet the company once a month, put our case before them, and work through the works council. Every department in the plant is represented, and we have done very well.

Now, the matter of a vote coming up in a plant, if one might be forced upon us, we feel that a 51% majority should not control, because with the present exodus of employment particularly, that 51% today might be 47% tomorrow, and you would have the minority controlling the majority. We are asking that at least 65% majority be maintained, and even at that you have a 35% portion of your employees who may possibly always be causing some kind of uprising, and 35% is enough in itself. We do not think we are asking for too much when we say at least 65% majority. That will give them a good working majority, and will at the same time protect the bargaining agent. He



would have some protection too, whoever it might be. We are certainly not against the collective bargaining bill which we have been accused of so much.

THE CHAIRMAN: What bill is this?

A. The one you are going to bring in, they tell me.

Q. You might be against it if you saw one, if we were able to draft one. A. In taking this vote we also feel that these older men should have the preference. They really have something at stake.

Q. Like a shareholder in a limited stock company who has 100 shares, he can vote 100 times?

A. That is the way we feel, that each man should be given one vote per year of service, or some plan along that line. I would like to point out to you the reasons particularly why these older men are satisfied. There have been occasions where men have not been satisfied with their pay. They have referred their cases to the Regional Labour Board, and in every case they have been turned down, the Board stating that they were getting as much pay or more than the same trade in that locality. That has actually happened. We are very much against propaganda. We don't go for it - we don't want it. Mr. Howe has named our plant as the No. 1 war plant of Canada. We produce the most vital products of war without a doubt.

THE CHAIRMAN: That man from Sudbury would not agree with that.

WITNESS: I said products. We feel that this propaganda gets the men upset for a while until they



find the truth of it, and in the majority of cases they have been built up on lies, all these statements, and the men have proved it after investigation.

Another thing the men have there: in 1920 our Canadian Westinghouse Company put in a benefit department. The membership to this department was voluntary, and the moneys contributed are held in trust by the company. The expense is borne entirely by the company, including the wages of the Superintendent, the doctors, nurses and all First Aid personnel, and a fully equipped First Aid depot. The company guarantees the solvency of the fund. Since its inception the members have received over \$735,000 in benefits and the cost of maintenance has been in excess of \$345,000.

In 1930 a group life insurance plan was put into effect, and regardless of a man's physical condition he was able to get a thousand dollars life insurance. He paid a portion of the premium and the company paid the other portion. He had something to build up an estate. The company has paid out in excess of \$100,000 in premiums alone in that.

Then the Service Pension Plan, the company has a pension trust fund in the amount of \$2,000,000, and this fund in itself is unique we believe. It pays to the dependents, such as widows, widowers and children under sixteen. It is doubtful if any other such scheme is extended to dependents. The employees do not make any contribution to this fund whatever.



The cost of living bonus has been paid since the beginning of 1941. At the present time there is \$4.25 a week being paid by Canadian Westinghouse.

Since the Employees' Association has come into effect we have had the holiday scheme changed. It was that if you worked there ten years you got a week's holidays with pay. We were able to cut that down in 1941 to five years for men, and girls after three years' service receive one week's vacation with pay, and after ten years' service both male and female receive two weeks' vacation with pay. This new plan has been in force since July 1st, 1941.

The cost to the company for holidays for the first ten months of 1941 amounted to approximately \$80,000.

Then the Employees' Association put in another scheme of reporting pay. Men now reporting for work and finding none are paid two hours' wages, and those reporting and starting work, regardless for how long, receive a full four hours' wages. This has shown its effects in the present winter when the girls working in the Lamp and Radio Section where gas is a necessity, have had to be sent home because of the shortage of gas. They received four hours' pay.

We have senior and junior employees' associations. These have been very active for a number of years. The company recognizes our Employees' Association, and we have been bargaining with them since our inception. We are absolutely free from domination by the company in any way, shape or form, and we govern ourselves accordingly. I am paid personally



by the employees of the plant. The company contributes not one five cent piece. That is one thing I want understood. We charge a fee. I have the constitution here, and I would like to put it in as an exhibit to show how we operate, and I think you will find we are absolutely free of any domination by any company.

---EXHIBIT 72: Constitution and by-laws of Canadian Westinghouse Employees' Association.

MR. HAGEY: What percentage of the employees contribute to that fund? All of them?

165 A. No, sir, only those that wish to join our Association. It is freedom of association entirely, and that is one thing we do want protection on.

MR. GARDHOUSE: Do you use any propaganda to get them to join? A. No, sir, none whatever.

THE CHAIRMAN: Do you not whisper anything?

A. We don't have to. We show our work.

Q. The merits sell the scheme?

A. That is exactly the story.

MR. GARDHOUSE: By your work you are judged?

A. That is the only way to get by. We also have the War Veterans' Association there, and St. John's Ambulance Corps, a fire department. The company supports all those.

Each department is represented. We have a works council. It meets once a month. We meet ourselves once a month. And the following week after working hours we meet the management.

THE CHAIRMAN: And thresh out your difficulties?



A. That is right.

MR. GARDHOUSE: Do you meet in the company's office? A. We meet in the management's office, that is after hours.

All I want to ask of you gentlemen, if you do bring in a bill, is to see that we are protected. We are satisfied as we are. We want to stay as we are. We are doing the job, and nobody, I don't care who it is, can do a better job. The employees will be satisfied. We are getting out production. I think most of you men know the production of the Westinghouse.

THE CHAIRMAN: You say the management does not interfere in any manner, shape or form with the selection of the employees' representatives?

A. No. We run the elections ourselves. The constitution covers that. We have the nomination and the two highest stand up for election. We feel we are happy the way we are, leave us alone, give us the right to work ourselves as we should be allowed to in a free democratic country. That is all we ask.

MR. ANDERSON: You do not want any outside interference? A. That is right.

MR. GARDHOUSE: You believe in collective bargaining but you believe it should be 65% of the employees?

A. Yes, sir, that percentage at least, because if you have a smaller percentage, I can tell you right now, the way business is, men are leaving today and joining the army, being laid off, and what have you, tomorrow your very small minority may be ruling.



BY MR. AYLESWORTH:

Q. Your works council is, of course, elected from among the members of the Association?

A. That is true.

Q. That council takes up matters with the management that they think should be taken up with the management I assume?

A. That is true.

Q. On that council to which the employees are elected does the management appoint any representative?

A. Definitely not.

Q. It is a wholly elected body?

A. Absolutely, strictly employee control. There is no person from foreman up permitted to be a member of our association.

MR. FURLONG: Q. Mr. McKelvey, speaking of this majority you refer to, 65%; if you had that majority and you entered into a collective bargaining agreement you would not expect that agreement to be terminated if the membership in the union suddenly dropped?

A. No, that is true.

Q. Until the agreement expired?

A. No, that is true, absolutely, but you are not taking such a great chance with a higher percentage.

Q. You are only taking a chance for a year; they are generally made by the year.

A. If you take

51% look at the great chance there is of that dropping overnight.

Q. The difference is only 14%.

MR. HAGEY: With the benefits you have been able



to provide for your members you should have 100%.

A. As I tell you, our older men won't join anything. They are satisfied. They are very satisfied. They have had a lot of things given to them.

MR. GARDHOUSE: What percentage of your members vote? They do not all vote? A. In a vote they would all vote. Do you mean what membership do we have?

Q. Do 100% of your members vote?

A. That is very doubtful. I don't think you would get 100% vote in our plant.

MR. FURLONG: He is talking about the members in your Association. Would they vote 100%?

A. They would vote 100% for the Association, definitely.

THE CHAIRMAN: Mr. McClure wants to ask a question.

MR. McCLURE (United Steel Workers of America at Hamilton): I wanted to ask a question about the proposition advanced both by him and Mr. Burford, that the older men should have a greater voting power than younger men, something on the order of joint stock companies. Might not the reverse be true, that younger employees, who generally are younger men with longer expectancy of life, consequently greater interest in the future, have a right to more votes?

WITNESS: That is something I cannot answer.

MR. McCLURE: I know very many of the older men, whose expectancy of working life is not great, take



the position that, while they are wholeheartedly behind this, they think it is the duty of the younger men to do the work, because they are going to get more out of it. It will be of benefit to them in their lifetime more than it will be to the older men.

WITNESS: I hope I have impressed upon the Committee that our older men are the backbone of our company.

---EXHIBIT 73: Literature describing Canadian Westinghouse Employees' War Services and Charities Fund, also Canadian Westinghouse Company Benefit Fund.

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NATIONAL SEAMEN'S ASSOCIATION

MR. MEIKLE: Mr. McMaster, President of the National Seamen's Association. Mr. McMaster wants to state the unique position he has in the industry he represents.

HERBERT N. McMASTER, Sworn.

WITNESS: Mr. Chairman, I will not keep you very long. The night is late. The purpose of my being here in Ontario tonight is that we have from the Province of Ontario a great number of seamen continuously going out in ships, and the regulations which will govern the shore industry will naturally have some repercussions on the labour legislation which affects the ships. The two come in close contact to each other.

We have over a period of many years been engaged in the handling of labour for ships. I have been in



all the positions on board ships and on shore. I have had the most prominent positions this country has to give a marine man, from cabin boy or lamp boy on a ship to general manager of a steamship company. I owe no apology to any person as far as the operation of ships is concerned.

I regret exceedingly it is my duty tonight to relate to this Committee some of the obstacles that we have encountered over a period of years in the Province of Ontario in our efforts to keep the mercantile marine in operation. In the organizations which I represent in one capacity, I regret to say my chief executive vice-president has paid the supreme sacrifice at sea in the war effort. The assistant to him has paid the supreme sacrifice in the war effort at sea, and my immediate assistant, who is the nominal working head of the National Seamen's Association is tonight busily engaged in the Port of Montreal in collecting a crew which will leave Montreal for an Atlantic coast port to join a ship in the overseas service.

I mention these facts to show that the organizations I represent are active organizations, not paper organizations in name only.

We seek no favours from anybody. We have contracts with ships and governments, governments in exile, our Canadian Government; we also serve the British Government, British Ministry of Shipping, in fact, practically all ships that fly the allied flags



on the high seas, as well as many lines on the Great Lakes.

During this period of attempting to get the seafaring personnel into a position where they would receive sufficient remuneration on board these vessels, and particularly lake vessels, I was invited at that time to form an association, particularly for the officers of the ships. In that we were very much interested in Ontario. My headquarters were in Ontario at that time, being an Ontario man, and we undertook to amalgamate these officers into organizations for their own protection, in which, I am happy to say, we were very successful. As the period of years slipped along we found it was necessary to form organizations to control the entire ship in its different capacities with different organizations, such as the three organizations which were mentioned tonight by me. I happened to be the President elected.

During this period of construction we had all classes and creeds of personnel apply to us for membership. Even the president of the opposing organization went through the books of the National Seamen's Association, put his name to an application there, and then tried to get control of that organization through a group of non-Canadian activities, for which they were expelled from the organization, and the records in the office of the National Seamen's Association will verify these facts, that their presence was undesirable with other seamen, and so they had to be eliminated. We



next find them cropping up with the All Canadian Congress of Labour of the day, and only a short period elapsed when they were again on the outs, fighting for themselves, and it is most unfortunate that an organization such as the Canadian Federation of Labour should see fit to pick up such a man and put him into a position, or take him into a position whereby his policies could be put into force with seamen. Since then we have had one continuous stream of trouble.

A DELEGATE: I think you made a slip there. You said the Canadian Federation of Labour.

WITNESS: No, the American Federation of Labour picked up this opposition group. We have had since then one continuous stream of difficulty in the operation of ships. You people here who are residents of Toronto can remember when the ships of your port were tied up from one end to the other. Ships were tied up spring after spring between Cornwall and Fort William, men dragged off their ships in the middle of the night, thrown into halls. All sorts of terror was instilled into the minds of the seamen in order to get them to join this organization now headed by this group which had no respect for law and order in Canada.

This agitation became so pronounced all down through the years, and became such a nuisance to the operating of ships, that the vessel owner did not know whether his ship would move or whether it would not. Petty strikes cropped up all over till finally one day the Canadian Government thought, "We had better take a hand in this," and so the group that was heading that



union at that time was taken out of circulation, and since then, and while they were out of circulation, the ships continued to operate.

I mention this fact, Mr. Chairman, to show to you that the organizations I represent are bona fide independent unions, entirely under the jurisdiction of their own board. They make their own laws and conditions, and their own contracts with owners. We are not connected in any way with any foreign organization. We are purely a Canadian organization, but we have been treated in a most friendly manner by some of the organizations to the south in the manipulation and handling of ships' crews. I have no complaint to make against the major bodies, but I am surprised that an organization such as the antagonistic organization to the organization I represent should be picked up by a reputable organization in this country and allowed to function for the disturbance of peaceful seamen.

172

In the matter of wages, Mr. Chairman, we have obtained through peaceful channels down through the period of years the highest wage scale that was ever known in the Canadian merchant marine on the Great Lakes. Those contracts still stand, and irrespective of all the aggressive tactics practised by the opposition, they failed to reach the wage scale we were able to get for the seamen of our organization, and that still stands. We could have even gone further if it had not been for the War Labour Board who said, "Well, you have got enough," so we had to stop.



I mention this fact, Mr. Chairman, to point out to you that labour harmony between employer and employee is a possible factor, that there is not a great deal of trouble in handling employers if they are reasonable, and my experience has been in dealing with employers, not only of Canadians but of all the nationalities that are friendly to the Allies, that they listen to reason. We have been instrumental in making a wage scale for some of the foreign nations in exile who operate their vessels to and from the North American coast.

I wish to point out that in the handling of this we practise no aggression. If a man does not want to join the organization I represent he does not have to. The majority of sailors, when they come to get a job, are broke - they could not buy a postage stamp, let alone take a membership, but they have to have a ship. We provide them with a ship - not only with a ship, but we provide them with transportation that takes them to the ship, and see they are comfortably looked after till they get there. All that is administered by the organization.

I want to say this, that the organizations I represent, while they act as independent organizations under their own councils, they act as labour management for the handling of ships and shipping. A steamship company or vessel owner will simply say to the organization, "There is a ship. She wants twenty or thirty or forty," whatever it may be, from the captain down, and we supply the ship with the entire personnel and



place it aboard the ship with all their various grades and ratings, and see that she sails.

Anything to the contrary of what I have said is not true. I happened to sit at the rear of this hall, and saw the leader of an opposing organization place a pile of briefs here somewhere. If those briefs are produced on the same score and with the same tactics that their house journal, "The Searchlight" was published, I can tell you they are not worth the paper they are written on.

In the Province of Quebec where a vicious attack was made on one of the leading lawyers of a city as being a company stooge, the producer of these documents, who was the editor of their journal, was only given a matter of hours to take that full issue of "Searchlights" off the market. They were taken in and the lawyer's name was obliterated. Every statement in "The Searchlight" was untrue.

THE CHAIRMAN: What is "The Searchlight"?

A. It is the house organ of the Canadian Seamen's Union, and the lawyer's name that was dealt with in that "Searchlight" at that time is now one of the Ministers of the Quebec Government, the Provincial Treasurer.

I mention these facts, Mr. Chairman, to try to point out to you the class and calibre of the people we have to deal with in trying to man these ships and keep them in operation.

I am not here tonight, Mr. Chairman, to answer questions from the rank and file. I submit this



76 information to you for what it is worth in the hope that some of the pitfalls might be avoided which compel minorities to lose their rights, their jobs and even their personal safety. And in the framing of this collective bargaining bill, which has my full support, as I think we should have collective bargaining, this Select Committee will be responsible to the people of this Province for its result, and if this Bill does not protect the rights of minorities and protect the rights of those who are unable to protect themselves against the gangsterism that goes up and down this Province on the waterfronts, they will have to bear their full share of the consequences.

THE CHAIRMAN: What form does the gangsterism take?

A. If a man pulls you out of bed, carries you off the ship in the middle of the night when you don't want to go, isn't that gangsterism?

Q. Who does that?

A. The Canadian Seamen's Union has done it spring after spring. I couldn't tell you how many springs. It is common practice. The head of that union is in the hall tonight, and he is the man who submitted this brief (Exhibit 71).

Q. Who is he? Name him.

A. His name is Sullivan - Pat Sullivan. He is known all over the country, gentlemen. If you want to find his record you will find it in the law court officer's records. It is most unfortunate, I say, for labour that such a man should be placed at the head where so much harm



can be done to labour, because labour deserves a decent break. We try to get that break for them.

I do not wish to detain you further, Mr. Chairman. All I wish to say is that we handle a great many Ontario seamen of all grades and classes in all kinds of ships, and I think in the percentage that we have from this Province they should know that I have voiced my opinion in their behalf in the construction of this Bill. I thank you. I do not propose to answer any questions to anybody outside of the Board.

MR. HABEL: Would you mind answering a question or two on this file of Mr. Sullivan's (Exhibit 71)?

MR. PAT SULLIVAN: There is one document of my own that was filed that should not be in there.

THE CHAIRMAN: I think he should be able to withdraw anything he likes.

MR. HABEL: There is a document that is in the file already that would change your case a lot. Is this the one here?

MR. SULLIVAN: Yes.

MR. HAGEY: I do not think shipping is under our jurisdiction. There seems to be quite a strong feeling here, which is quite all right to air, but it is not of any great help to the Committee if we have not any jurisdiction over shipping.

WITNESS: You have jurisdiction over all inter-provincial shipping for collective bargaining, ferry boats and internal harbours, and so on.

MR. HABEL: Would you have known a fellow by the



name of J.M. Osborne?

A. I know the name, yes.

Q. Was he acting as an agent for your organization at one time?

A. Osborne was supposed to be a Communist.

Q. I see next an affidavit from him, stating he was acting as agent for the union.

A. Osborne submitted representations to the organization as from a Communist meeting.

Q. How would it be that there would be something to this effect here:

"This is to certify that Mr. J.M. Osborne is a duly qualified and accredited representative of the Canadian Brotherhood of Ships' Employees, and as such he has due authority to solicit membership applications, receive fees and/or dues, and issue receipts on behalf of this Brotherhood."

It seems to be signed by you.

A. Yes, but that organization went out of business. Osborne was a member of the Communist party that attended this meeting, and that letter was given to him at that time.

Q. That was in 1938?

A. Quite a while ago.

Q. There are some quite substantial charges in this file (Exhibit 71).

MR. PAT SULLIVAN: Mr. Chairman, I think in the interests of myself, in view of the statements that Captain McMaster has made, we have someone here who should be allowed to get up and speak a few words on



179

the grievances of the Seamen. He knows things for a couple of years that I do not know. As Captain McMaster says, I was away for a vacation in an internment camp, but I went there because I was aggressive and fought for the working men of this country. I would ask you to let Mr. Ferguson take the stand, because the press is carrying every word that has been said. I think it is fair to me.

THE CHAIRMAN: I think that is fair.

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DEWAR FERGUSON (Canadian Seamen's Union),  
Sworn.

WITNESS: Mr. Chairman, I was a seaman for nine years before becoming executive officer of the Canadian Seamen's Union. I have been with the Union since its inception in 1936. Previous to that I was a seaman sailing on the Great Lakes, and I joined the National Seamen's Association, of which Captain McMaster was then Lake Governor. He had been running that Association for some time and never done anything for the men; in fact, the wages were cut from 1931 to 1935 to pretty near a third during that time. As a result there was a strike broke out.

THE CHAIRMAN: That was the period of the terrible depression. A. Yes, also to the organization. In 1935 there was a strike of seamen which came up more or less spontaneously, and Captain McMaster, in the terms of the seamen, sold them out. So the organization folded up and went to pieces, and out of that strike the Canadian Seamen's Union was formed.



I was elected secretary of the striking seamen in Toronto, and in 1936 we formed the Canadian Seamen's Union

THE CHAIRMAN. Is that a Dominion-wide organization? A. No, it does not cover the west coast as yet, but covers all the Great Lakes and Atlantic coast and the fishermen. We have our charter from the Seafarers' International Union of North America. I am Secretary-Treasurer of that organization now.

MR. HABEL: What salary are you getting?

A. \$125 a month. May I identify certain articles in that file? These are official documents signed by H.N. McMaster.

In 1937 we got our first agreement through threatened strike. It did not come to a strike. Between 1936 and 1937 our organization had grown pretty powerful and, in fact, embodied about 90% of the seamen on the Great Lakes. We asked the operators to sign agreements and they would not. We threatened strike and they gave us a wage increase.

In the spring of 1938 - the companies in the middle of the winter signed a closed shop agreement with Captain McMaster. We had agreements with them but in the winter, when the boys were all away, in February, before the ships fitted out, they signed a closed shop agreement with him, forcing every seaman into his organization before they would be allowed to sail on the boats. That resulted in a strike. Company unions and company controlled organizations should be



outlawed. By their signing agreements with his organization it resulted in the strike in 1938, and the only thing we asked in that strike was that the employees should be allowed to join a union of their choice. That strike tied up shipping for several days. As soon as the companies signed an agreement that would allow their employees to join a union of their own choice, then the shipping went on its way properly.

The shipping interests were not finished then. They still wanted to maintain Captain McMaster as their stooge.

I want to refer to this letter. J.M. Osborne was appointed by the National Seamen's Association. This (letterhead) is the "Canadian Brotherhood of Ships' Employees, affiliated with the Canadian Federation of Labour, H.N. McMaster, Governor". It says:

"To Whom It May Concern:

This is to certify that Mr. J.M. Osborne is a duly qualified and accredited representative of the Canadian Brotherhood of Ships' Employees, and as such he has due authority to solicit membership applications, receive fees and/or dues, and issue receipts on behalf of this Brotherhood.

This authority is valid as from even date and until renewed August 31, 1938."

Here is an affidavit that was published.

MR. HABEL: What is the date of that letter?

A. 1938, just after the strike that tied up



shipping, the companies agreed to give us full right, let the employees belong to the union of their own choice. They tried another scheme - they tried to build another phoney organization that would distract the seamen, and formed what they called the Marine Workers Protective League of North America.

THE CHAIRMAN: Who formed that?

A. Here it is, "Marine Workers' Protective League of Canada".

"This is to certify that the bearer, Mr.

J.M. Osborne, is authorized by the Executive

Committee to act as National Organizer of

the Marine Workers' Protective League of

Canada." Signed by Wilfrid Leroux, President.

But if you will notice, gentlemen, for an official seal they have the seal of the Canadian Brotherhood of Ships' Employees in here. You would not notice it, but this seal says, "Canadian Brotherhood of Ships' Employees". It links it up. That

organization was so discredited that it eventually folded up, and I want to read you an affidavit here. This is an affidavit signed by Osborne who was the accredited representative of McMaster's Marine Workers' Protective League:

"I, John M. Osborne, seaman, of the City of Montreal, there residing at 999 St. Lawrence Blvd., being duly sworn do hereby depose and say:

1. That on the 19th of June, 1938, I was



"approached by one Frank Valiquette, formerly employed as an organizer of The Canadian Brotherhood of Ship Employees, who stated that he wanted me to form an organization in opposition to The Canadian Seamen's Union.

2. That on the said occasion the said Frank Valiquette did state that he was no longer employed by the said Brotherhood which was headed by Captain H.N. McMaster.

3. That on June 21st, 1938, I acceded to the further request of the said Frank Valiquette to visit some people with him and that thereupon the said Frank Valiquette took me to the office of J.A. Mathewson, K.C.

4. That on my arrival at the said office there were present Mr. J.A. Mathewson, Captain H.N. McMaster, and Mr. Wilson, K.C.

5. That the aforementioned parties did then, upon the threat of blackballing me with all the shipping companies demand that I head a new organization to be known as "The Marine Workers Protective League of Canada."

6. That the aforementioned parties did state that the object of this organization was to disrupt the Canadian Seamen's Union.

7. That the said Mr. J.A. Mathewson, K.C., on that occasion did state that I and the other organizers of the said proposed League would be well paid; that if I accepted the



"position as general organizer, that he would personally guarantee that I receive \$22.50 per week, and that any other delegates employed by me would receive \$10.00 per week, and that the whole of the said payroll would be received each week at Mr. Mathewson's office, together with any miscellaneous expenses.

8. That in view of the said threats I consented to become general organizer of the said League.

9. That on the said day, namely, June 21st, 1938, a meeting was held at which were appointed the following Provisional Committee: J.M. Osborne, General Organizer; Charles Wolfe, Chairman; Joseph Leroy, Recording Secretary; Patrick Dillon, Publicity Manager; J. Collins, Secretary-Treasurer.

10. That at the said meeting the following resolutions were passed, to wit:

1. That two leaflets attacking J.A. Sullivan, which were read to the meeting, be distributed in conspicuous places.

2. That organizers should board vessels at Cote St. Paul before C.S.U. delegates could get aboard.

11. That on June 25th, 1938, I received at the office of Mr. Mathewson, K.C., the sum of \$18.00 as part wages in my capacity as General Organizer of the aforementioned League.



" 12. That on June 24th, 1938, I received from the office of Mr. J.A. Mathewson a package containing five hundred membership cards of the Marine Workers Protective League, and also one thousand of the aforementioned leaflets attacking the character of the said J.A. Sullivan, and also a suit of clothes and accessories for H. Taylor, who was to be employed to distribute the said leaflets.

13. That on July 2nd, 1938, I presented myself at the office of Mr. J.A. Mathewson, K.C. to obtain money to cover the payroll of the organizers of the said League for the previous week."

THE CHAIRMAN: Can you not make your point?

MR. HABEL: Would you mind telling us as a fact whether this man belonged to a Communist organization? A. I don't know.

Q. Do you happen to know he was interned for subversive activities? A. The last I saw the man was in 1939. He was actually what we call a wine-hound, a drunk. He was a person who could not get employed. I don't know what his activities are. This is the type of people they deal with.

There are one or two other things that Captain McMaster states.

MR. FURLONG: I think this is not collective bargaining. It has not got any bearing on whether



this Act should be drawn, or what your report should be. It is a fight between two men.

WITNESS: On the question of collective bargaining, I am Secretary-Treasurer of the Canadian Seamen's Union. The main thing is this, that company organizations, financed and controlled by companies have resulted in two strikes at least, by forcing employees in the other organizations like, for instance, signing closed shop agreements with men like this --

THE CHAIRMAN: To shorten it, I take your point to be this, that you are against what they call, or what is generally now accepted as, a company union; that is, one dominated or interfered with by the employer?

A. Yes.

Q. What do you say about Captain McMaster's allegation that your organization shanghaied men off boats?

A. There is a law against it.

MR. HAGEY: There is a law against murder too.

A. It is utterly ridiculous. Imagine Pat Sullivan shanghaiing somebody. He is not a very big guy.

MR. HAGEY: He did not say Pat Sullivan.

MR. HABEL: Did you? A. No, sir, I did not.

Furthermore, we enjoy the confidence of the largest steamship companies. We have agreements with 85% of the largest steamship companies on the Great Lakes.

THE CHAIRMAN: I suppose your union, like every other organization, has a few hotheads, and there may have been some isolated instances of people being



shanghaied?

A. No, that is not so.

Q. There was something in the Police Court.

A. There was prosecution for a fight on the picket line.

MR. FURLONG: Q. Nothing for shanghaiing?

A. No, nothing. It is utterly ridiculous.

MR. HAGEY: I do not think this should go any further. This has not arisen as the result of any questions by this Committee. It is an offshoot of something else. I think we are getting into what the Minister referred to as a hell of a row.

THE CHAIRMAN: Captain McMaster got into his peroration and that opened the avenue. It was only fair to allow a reply. The Captain opened it up, and, surely, a man has a right to defend himself.

MR. PAT SULLIVAN: Who is the National Secretary-Treasurer of the Canadian Brotherhood of Ships' Employees?

WITNESS: I believe Captain McMaster's daughter is.

Q. Do you know who the General Organizer is listed on their letterhead? A. It was his son.

Q. What<sup>is</sup> he employed as? A. I don't know.

Q. He is a druggist in Toronto.

---(Whereupon the Committee adjourned at 11.40 p.m. until 11 a.m. the following morning.)

(Page 661 follows)







THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

---

Proceedings of Select Committee  
regarding Collective Bargaining  
between Employers and Employees.

---

SEVENTH DAY  
MARCH 10, 1943

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INDEX TO CONTENTS

Communications.....	662 708
Submission on Collective Bargaining presented by citizens of Niagara Falls area by Mr. Thomas Robb.....	709
Submission by United Gas, Coke & Chemical Workers of America, Local 30, presented by Mr. T. Emes.....	721

LIST OF WITNESSES

Fitzpatrick, Stephen .....	684
Peace, Harry.....	696
Edmiston, William .....	705 715
Robb, Thomas .....	708
Emes, Theodore.....	721
Leach, Henry .....	723
Wright, Reginald .....	724-B
Udell, Bert .....	724-H
Spikesman, Miss Marguerite .....	724-J



INDEX TO CONTENTS (2)

Communications,..... p. 726

---

TRADES AND LABOUR COUNCIL OF PORT  
ARTHUR:

Magnusson, B.A.H.,..... 726  
Mapledoram, Clare,..... 733  
Stephens, S. A.,..... 736  
Currie, John,..... 742  
Turner, Harold,..... 749

---

BUILDERS EXCHANGE & CONSTRUCTION  
ASSOCIATION OF TORONTO, and ONTARIO  
GENERAL CONTRACTORS ASSOCIATION:

Nicolle, H. C.,..... 751

---



LIST OF EXHIBITS

NO. 74	Letter dated March 5, 1943, from Wm.R.Lucas, Secretary-Treasurer of Toronto Typographical Union, No.91, addressed to Major James Clark.....	p. 663
75	Letter dated March 6, 1943, from Thos. B. MacLachlan, President, The Canadian Retail Employees' Union, addressed to Premier Conant .....	664
76	Document referred to in exhibit No.75 .....	665
77	Letter dated March 9, 1943, from J.W.Ringsdorf, Secretary Local 262, Canadian Brotherhood of Railway Employees, addressed to Premier Conant.....	666
78	Letter dated March 8, 1943, from Frank Butler, President, National Beverage Workers' Union to the Chairman of the Collective Bargaining Committee.....	666
79	Mimeographed letter dated March 4, 1943, from Harold S.Williams, member of Local 232, United Rubber Workers of America, to Premier Conant.....	667
80	Canadian National Telegram dated Windsor, February 19, 1943, from Robert Byerley, Kelsey Wheel Division, Amalgamated Local 195 (UAW-CIO).....	668
81	Letter dated March 2, 1943, from Roy G.England, President, Ford Local 200, (UAW-CIO) to Premier Conant.....	670
82	Letter dated February 28 (1943) from H.M.Crawford to Premier Conant .....	673
83	Letter dated March 1, 1943, from J.E.Cooke to Premier Conant....	673
84	Letter dated February 27, 1943, from R.Carter, 59 Winnett Street, Brantford, to Premier Conant	674



LIST OF EXHIBITS (2)

NO. 85	Letter dated February 27, 1943, from J.W.Buckley, Secretary, Toronto District Labor Council to Premier Conant .....	p. 676
86	Letter dated March 3, 1943, from T.P.Flanagan, Secretary, Pioneer Lodge, No. 103, Inter- national Association of Machin- ists to Premier Conant.....	678
87	Letter dated March 3, 1943, from H. Spicer, Secretary, Industrial Union of Marine and Shipbuilding Workers of Canada, Local No.4, to Premier Conant.....	679
88	Letter dated February 4, 1943, from J.L.Twamby, Secretary, Local Union 576 of United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada .....	680
89	Letter dated March 6, 1943, from J.C.Arnott, Recording Secretary, International Union of Operating Engineers to Premier Conant.....	681
90	Undated mimeographed letter bearing receipt date 'March 8, 1943' from Archie Donaldson, member of Local 232, United Rubber Workers of America, re Collective Bargaining Bill.....	682
91	Letter dated March 5, 1943, from P.C.Garratt, Managing-director De Havilland Aircraft of Canada Limited, addressed to the editors of The Evening Telegram and The Toronto Daily Star, re written statement of Mr.Cummings Assistant Security Officer of De Havilland Aircraft of Canada Limited.....	684
92	Agreement dated April 1, 1942, between General Electric Company and United Electrical, Radio and Machine Workers of America	704
93	Petition to the Ontario Govern- ment for the enactment of a labour bill, signed by a committ- ee of citizens of the Niagara Falls area.....	708



LIST OF EXHIBITS (2)

NO. 85	Letter dated February 27, 1943, from J.W.Buckley, Secretary, Toronto District Labor Council to Premier Conant .....	p. 676
86	Letter dated March 3, 1943, from T.P.Flanagan, Secretary, Pioneer Lodge, No. 103, Inter- national Association of Machin- ists to Premier Conant.....	678
87	Letter dated March 3, 1943, from H. Spicer, Secretary, Industrial Union of Marine and Shipbuilding Workers of Canada, Local No.4, to Premier Conant.....	679
88	Letter dated February 4, 1943, from J.L.Twamby, Secretary, Local Union 576 of United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada.....	680
89	Letter dated March 6, 1943, from J.C.Arnott, Recording Secretary, International Union of Operating Engineers to Premier Conant.....	681
90	Undated mimeographed letter bearing receipt date 'March 8, 1943' from Archie Donaldson, member of Local 232, United Rubber Workers of America, re Collective Bargaining Bill.....	682
91	Letter dated March 5, 1943, from P.C.Garratt, Managing-director De Havilland Aircraft of Canada Limited, addressed to the editors of The Evening Telegram and The Toronto Daily Star, re written statement of Mr.Cummings Assistant Security Officer of De Havilland Aircraft of Canada Limited.....	684
92	Agreement dated April 1, 1942, between General Electric Company and United Electrical, Radio and Machine Workers of America	704
93	Petition to the Ontario Govern- ment for the enactment of a labour bill, signed by a committ- ee of citizens of the Niagara Falls area.....	708



LIST OF EXHIBITS (3)

NO. 94	Undated petition by Local 30, District 11, United Gas, Coke and Chemical Workers of America to the Honourable Peter Heenan, Minister of Labour p.	722
NO. 95	Petition,.....	726
NO. 96	Letter, W.R.Knight to Hon.Peter Heenan, Minister of Labour, dated March 4th, 1943, and resolution,	726
NO. 97	Resolution, London and District Hospital Employees Federal Union Local 85, dated February 10th, 1943,.....	726
NO. 98	Letter, Federal Local No. 83, Employees of Dennisteel Corpor- ation, dated March 6th, 1943.	726

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THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J.H. Clark, M.P.P. Chairman,	Windsor-Sandwich Riding
Mr. E.J. Anderson, M.P.P.	Welland Riding
Mr. W.J. Gardhouse, M.P.P.	York West Riding
Mr. J.A.A. Habel, M.P.P.	Cochrane North Riding
Mr. H.L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F.R. Oliver, M.P.P.	Grey South Riding
Mr. J.P. Mackay, M.P.P.	Hamilton East Riding
Mr. T.P. Murray, M.P.P.	Renfrew South Riding

SEVENTH DAY

In Committee Room No.1  
Parliament Buildings  
Toronto

Wednesday, March 10, 1943 at 11.00 o'clock a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W.H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J.B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D.W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).



- Mr. F.A. Brewin, Counsel for the United Steel Workers of America.
- Mr. Stephen Fitzpatrick, representing Independent Union in the Steel Company of Canada.(Hamilton)
- Mr. William Duckworth, representing Local 516, U.E.R. & M.W. of A.
- Mr. William Edmiston, representing the United Gas, Coke and Chemical Workers of America

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MORNING SESSION

THE CHAIRMAN: The committee will please come to order.

Mr. Furlong, what is the first order of business this morning?

MR. FURLONG: I desire to file with the Committee the following letters in favour of the bill from:

Toronto Typographical Union, No.91.

The Canadian Congress of Labour.

Canadian Brotherhood of Railway Employees.

National Beverage Workers' Union.

Local 232 of the United Rubber Workers of America.

Kelsey Wheel Division, Amalgamated Local 195 UAW-CIO.

United Automobile, Aircraft, Agricultural Implement Workers of America (UAW-CIO).

H.M. Crawford, 337 Beresford, Toronto.

J.E. Cooke, 6 Neville Park Blvd., Toronto.

R. Carter, 59 Winnett St., Brantford.

Toronto District Labor Council.

Pioneer Lodge, No.103, International Association of Machinists.

Industrial Union of Marine and Shipbuilding Workers of Canada.



United Association of Journeymen Plumbers and  
Steam Fitters

International Union of Operating Engineers:

---EXHIBIT NO. 74: Letter dated March 5, 1943, from  
Wm. R. Lucas, Secretary-Treasurer  
of Toronto Typographical Union,  
No.91, addressed to Major James Clark:

"March 5, 1943.

"Major James Clark, Chairman,  
'Select Committee of the Legislature,  
'Parliament Buildings, Queen's Park,  
Toronto, Ontario.

"Dear Sir,

"Under instructions of the Toronto Typographical Union No.91, an organization comprising 1,100 members, I am writing to urge upon you and your committee the immediate need for the passage of compulsory collective bargaining legislation.

"It is the unanimous opinion of this organization that such legislation is not only badly needed but long overdue in the Province of Ontario, which is the banner province of the Dominion and the leader in industry. Unfortunately it lags far behind most of the other provinces in collective bargaining legislation.

"In the gigantic war effort in which this country is now engaged it is an indisputable fact that the majority of those on the fighting line are working men, and the same holds true in our great munitions of war industries, many of them members of our various trade unions. Surely these men are not fighting for a return to the same conditions of labor which they left to take up arms in defense of democracy. Your committee is in a position to help greatly in see-



ing that this does not occur.

"We believe that an acceptable Labor Bill should outlaw company unions; we believe that in the interests of peace and harmony all workers engaged in industry should be members of a union; we believe that collective bargaining should be made compulsory with unions which have freely selected their own bargaining agency and their negotiating representatives. Without such legislation there is a very great possibility that strife between industry and labor will become greatly intensified rather than lessened after victory at arms is won.

"You will agree, we feel sure, that such a state of affairs would be most undesirable and even deplorable. The responsibility of making recommendations which might obviate any such possibilities rests with your honorable committee and we respectfully request that you do everything in your power to bring about adequate legislation to meet the requirements.

"Thanking you for a favorable consideration of our requests, I remain,

"Yours truly,

(sgd.) "William R. Lucas

"Secretary-Treasurer."

---EXHIBIT NO.75: Letter dated March 6, 1943, from Thos. B. MacLachlan, President, The Canadian Retail Employees' Union, addressed to Premier Conant:

"March 6th, 1943.

"Honourable Gordon Conant,  
Prime Minister of Ontario,  
Parliament Buildings,  
Queen's Park,  
TORONTO, Ontario.



"Dear Honourable Sir:

"As President of The Canadian Retail Employees' Union, I have been instructed to forward to you the enclosed letter which has been passed at General Meetings of each of these Locals.

"Yours very truly,

(Sgd.) "T.B. MacLachlan,  
President, The Canadian  
Retail Employees' Union."

"TBM/OW  
Enc.

---EXHIBIT NO.76: Document referred to in exhibit 75:

"We, the Members of The Canadian Retail Employees' Union of Toronto, Hamilton, London, Ottawa, St. Catharines and Niagara Falls urge you to introduce and adopt a genuine collective bargaining bill in the present session of the Legislature as you publicly pledged to do. Your assurance of adopting such legislation was welcomed and greeted by all who desire labor-management co-operation and national unity to win this war.

"It is apparent that small but powerful selfish groups have loosed a reckless campaign to prevent the enactment of the legislation you promised to enact. Your Government must not capitulate to that reactionary pressure.

"We urge you to proceed along the lines which you followed up to a few days before the opening of the present session. In doing so you will have the wholehearted support of all workers and of all right-thinking people in Ontario who want unity, and all-out effort, and a democratic labor policy in accord with



the modest wishes of organized labor.

(Sgd.) "THE CANADIAN RETAIL EMPLOYEES' UNION"

"MARCH 5th, 1943.

---EXHIBIT NO. 77: Letter dated March 9, 1943,  
from J.W. Ringsdorf, Secretary  
Local 262, Canadian Brotherhood  
of Railway Employees, addressed  
to Premier Conant:

"127 Inkerman Street,  
London, Ont.  
March 9/43

"Hon. Gordon Conant,  
Premier of Ontario.

"Dear Sir:

"At the meeting of Local 252, Members of the  
Canadian Brotherhood of Employees, a motion was  
made and passed, that I forward to you the follow-  
ing.

"That the Members of this Local request from  
the Prime Minister of Ontario, his co-operation  
and assistance, with regards the Collective Bargain-  
ing Bill, now before the Committee, and that you  
will give this bill your support, in every way.

"Thanking you, I beg to remain,

"Yours very truly,

(Sgd.) "J.W. Ringsdorf,  
Secretary, Local 262, C.B.R.E.,  
London, Ont."

---EXHIBIT NO. 78: Letter dated March 8, 1943, from  
Frank Butler, President, National  
Beverage Workers' Union to the  
Chairman of the Collective Bargain-  
ing Committee:

"March 8, 1943.

"The Chairman,  
The Collective Bargaining Service Board,  
Toronto, Ontario.



"Dear Sir:

"The Union-Management Committee has been in operation with the National Beverage Workers' Union, Local 1 and John Labatt Limited for some time and it has proven very successful.

"Yours very truly,

(Sgd.) "Frank Butler,

F.J.Butler:O

"President."

---EXHIBIT NO. 79: Mimeographed letter dated March 4, 1943, from Harold S. Williams, member of Local 232, United Rubber Workers of America to Premier Conant:

"March 4, 1943.

"The Honorable Gordon D. Conant,  
Premier of Ontario,  
Parliament Bldgs.,  
Toronto, Ont.

"Dear Sir:

"As a member of Local 232, United Rubber Workers of America, I have followed with considerable interest the course being pursued by the Provincial Government with respect to the new Labour Bill.

"I cannot understand the failure of the Government to impliment this measure at the opening of this 1943 session, particularly after the public statements made by officials of the Government. It would seem the vicious attack on Labour launched by anti-labour interests, is influencing the Government on this matter.

"I ask you, as my representative in the House, to use your influence to see to it that the bill is acceptable to labour and particularly that all forms of 'Company Union' are declared illegal under the Bill.

"I will be watching the progress of the bill very



closely. The Organization is non-political, but we believe in supporting people who support labour. If it is your desire to have the support of myself and others in this organization in future elections, you could signify it by openly supporting a Bill that will incorporate in it the real desires of organized labour.

"Yours truly,

(Sgd.)

"Harold S. Williams  
78 Woodside Ave.,  
Toronto, Ont."

---EXHIBIT NO. 80: Canadian National Telegram dated Windsor, February 19, 1943, from Robert Byerley, Kelsey Wheel Division, Amalgamated Local 195(UAW-CIO):

"Windsor, Ont. Feb.19, 1943.

"Hon. Mitchell Hepburn, M.L.A.,  
Queen's Park.

"We five hundred workers of the Kelsey Wheel Company at a special meeting voice our strongest support of the sentiments and demands expressed by president Alex. Parent of Local 195 UAW-CIO in his telegram to you on February 12 STOP We regard the delay in presenting and passing the collective bargaining bill for labor as proposed by the Hon. Peter Heenan as dangerous to the cause of industrial peace and victory during 1943 STOP We urge that nothing be permitted to stand in the way of the passing of the bill at this session of the legislature STOP The bill is necessary to national unity and a total war effort STOP The scuttling of the bill would constitute a victory for the business as usual reactionary lobby and a defeat for the millions who have confidently been looking to



This session of the legislature to pass the bill  
 STOP We urge that you use all your influence now  
 to promote the preconditions for total war by passing  
 the bill during this session STOP

"Respectfully yours,

(Sgd.) "Robert Byerley,  
 Kelsey Wheel Division,  
 Amalgamated Local 195 (UAW-CIO)  
 Chairman."

---EXHIBIT NO.81: Letter dated March 2, 1943, from  
 Roy G. England, President, Ford Local  
 200, (UAW-CIO) to Premier Conant:

"March 2nd, 1943.

"Premier Conant,  
 Parliament Buildings,  
 Toronto, Ontario.

"Dear Sir:

"Please find enclosed Resolution adopted  
 "unanimously at a conference of A.F.L., C.C.L., and  
 C.I.O. leaders in Windsor held Sunday, February 28th,  
 1943. The conference expressed regret that you were  
 unable to be present to participate in the discuss-  
 ion.

"Trusting this Resolution will receive your  
 earnest consideration, I remain

"Yours very truly,

(Sgd.) "Roy G. England,  
 President,  
 Ford Local 200,  
 U.A.W.-C.I.O."  
 "REG:RH  
 Enc.

"RESOLUTION ON POLICY OF THIS CONFERENCE FOR GUID-  
 ANCE OF CONTINUATIONS COMMITTEE

"WHEREAS: The historic 'unconditional surrender'  
 conference at Casablanca and the offens-  
 ives of the Soviet Armies firmly estab-



lish that 1943 is the decisive year for victory in this war against fascism; and

"WHEREAS: Canada is one of the most important sources of war materials for the armies of the United Nations, and particularly for the powerfully equipped armies led by Gen. McNaughton which are on the verge of opening a great and final offensive on the continent of Europe; and

"WHEREAS: Ontario is by far the most important producer of war materials in Canada; and

"WHEREAS: The morale and productivity of the working people of Ontario would be greatly enhanced if they were guaranteed the rights of collective bargaining by law; and

"WHEREAS: The enactment by law of a labor bill that would prevent employers from refusing to deal with the unions chosen by the majority of their employees and prevent employers from discriminating against employees because of trade union activity, and that would prohibit so-called company unions under whatever guise they may appear, would permit labor in Ontario to give its complete organized talent and strength and enthusiasm to the problem of increasing production in co-operation with industry and the government; and

"WHEREAS: The enactment of such a bill guaranteeing labor the legal right to collective bargaining would eliminate the greatest single source of industrial strife, as is so clearly exemplified by the present strike in Wallaceburg; and

"WHEREAS: Such a bill would help to promote unity of.....



all classes in Ontario and this unity is necessary to the all-out effort required in this crucial year of 1943; and

"WHEREAS: The enactment of such a bill is entirely in harmony with the democratic aspirations of the United Nations and the Atlantic Charter to which Canada subscribes; and

"WHEREAS: The Minister of Labor for Ontario and the Premier of this Province have on many occasions voiced their appreciation of the urgent need for such a bill and have repeatedly pledged themselves to work for the enactment of such a bill; and

"WHEREAS: A powerful lobby of wealthy industrialists inspired by the false and dangerous illusion that the war is already won and the time ripe for smashing organized labor at the expense of national unity and for the purpose of amassing huge profits in the post war period, is financing an insidious campaign in many newspapers and through devious means against the enactment of such a bill; and

"WHEREAS: These anti-democratic profit-mad industrialists and their lobbyists are attempting to foist company unionism upon the working people and the nation; and

"WHEREAS: The Premier of Ontario has established a special Legislative Committee which is charged with the responsibility of investigating the question of such a labor bill and bringing its recommendation to the Legislature in the shortest possible time;

"THEREFORE BE IT RESOLVED: That this emergency con-



ference of hundreds of delegates representing over 31,000 organized workers in A.F. of L., C.C. of L., and C.I.O. Unions and many thousands of other citizens in Windsor, one of the most important war industry centres in the British Empire, unanimously and respectfully urges upon you to use all your power and influence towards the most rapid enactment of a labor bill for collective bargaining which will guarantee to working people of Ontario the legal right to bargain collectively through unions of their own choice, and prohibit by law the discrimination by employers against employees for union activities, and prohibit by law company unionism; and

"BE IT FURTHER RESOLVED: That this united Conference pledges all support to all efforts to bring about the speediest possible enactment of such legislation.

(Page 673 follows)



---EXHIBIT NO. 82: Letter dated February 28. (1943) from  
H.M.Crawford to Premier Conant:

"337 Beresford,  
"Toronto, Feb.28 (1943)

"Premier Conant,  
"Queens Park,  
"Toronto.

"Dear Sir:

"I write to ask you to keep your promise concerning  
legislation to make collective bargaining mandatory.  
Please give your support to such a bill before the  
select committee on collective bargaining.

"Yours respectfully,  
(sgd) "H.M.Crawford."

---EXHIBIT NO. 83: Letter dated March 1, 1943, from  
J.E.Cooke to Premier Conant:

"6 Neville Park Blvd.,  
"Toronto, Ontario,  
"March 1st, 1943.

"Premier Gordon D. Conant,  
The Ontario Legislature,  
Queen's Park, Toronto.

"Dear Sir:

"Our war production depends on good relationships  
between employers and employees. Good relationships  
depend on equal relationships. Labour can never meet  
employers on equal terms until it is strengthened by  
a law compelling employers to bargain collectively  
with the union of their employees' choice.

"It was heartening to see that several members of  
the Legislature realized this fact and were becoming  
interested in the welfare of the working people of  
Ontario. Under your leadership they were committed  
to introducing such a bill before the present session  
of the Legislature.



"It was disgraceful to see yourself, and the others, bow to the storm raised by pressure groups and permit the promised bill to go by the board. Instead a rather ambiguous committee has been created to consider possible legislation on collective bargaining with no guarantee that a collective bargaining bill will be introduced.

"The C.I.O. bogey has been raised again and it is apparent that strenuous attempts are being made to play the A.F.L. unions against the C.I.O. unions. Such action will only lead to increased industrial disputes and the resultant disruption of our war effort will be your responsibility. To prevent such a calamity I urge you to introduce and support a real labour bill before the special committee on collective bargaining and to see that it is introduced before the Legislature with your full backing.

"Yours sincerely,

(sgd) "J.E.Cooke."

---EXHIBIT NO. 84: Letter dated February 27, 1943, from R. Carter, 59 Winnett Street, Brantford, to Premier Conant:

"Brantford, February 27, 1943.

"Hon. Prime Minister G. Conant,  
 "Premier of Ontario,  
 "Parliament Bldgs.,  
 "Toronto, Ont.

"Dear Sir:

"I am writing you in connection with the strike at Wallaceburg and the actions of yourself and the



Provincial Government in sending the Provincial Police there. Just why this was done is beyond me. Actions of this kind do not help a situation such as this but they just aggravate same and cause a lot more trouble than would develop if left alone.

"Is it possible this is an intimation of your attitude towards Labour and their needs - if so it is a very poor one and we do not need such attitudes or the men that hold them. What we want is someone who has the interests of Labour at heart in order that Labour may give their whole-hearted supported so that we may be able to win this war, and the sending of Provincial Police as was done in the Wallaceburg strike will never do it.

"It is time the exploitation of Labour by employers was put a stop to instead of encouraging them to continue their practices.

"It is also time the truth was told as to the cause of strikes. They come in very handy at times, do they not?

"Is it possible such actions as have taken place in connection with the Wallaceburg strike in order to make it a union buster and to discourage organization by the workers into unions of their own choice something that will stop exploitation of the workers of not only Ontario but the Dominion of Canada and this sure needs doing.

"I would also like some information as to your attitude toward the collective bargaining bill. Is an attempt being made to have this bill shelved?



There is no doubt the vested interests which this bill would affect do not want it passed as it would sure put a stop to their exploitation practice as to the workers. It would place the workers in a better financial position when medical aid and other necessities are need<sup>d</sup><sub>a</sub> in the homes of the workers.

"Is it not possible it is time something was done for the benefit of the workers by the powers that be and Provincial Police would not be needed and they could be used for some useful war work instead of knocking workers out with night clubs because they want something for their benefit in order that the employers may not have everything their own way as has been done in the past.

"Hoping your attitude toward Labour will take a decided turn for the better and let us have that collective bargaining bill which would go a long way toward strikes not being necessary.

"Yours truly,

"R. Carter,  
"59 Winnett Street,  
"Brantford, Ont."

---EXHIBIT NO. 85: Letter dated February 27, 1943, from J.W.Buckley, Secretary, Toronto District Labor Council to Premier Conant:

"February 27, 1943.

"Hon.G.D.Conant,  
Premier of Ontario  
Queens Park  
Toronto.

"Dear Sir:

"At the last meeting of the Toronto District Labor Council, the subject matter in relation to the



withdrawal of the Bill for the right of Collective Bargaining, by the Provincial Government of Ontario was under discussion.

"It was with a feeling of regret that we learned that the employing interests as represented by the Canadian Manufacturers' Association had sufficient influence upon the Provincial Government, as we are led to believe as a result of a copy of the circular that was issued by the C.M.A. as of January 11th. Ontario section, a copy of which is in our possession.

"Having regard to the fact, that the C.M.A. were responsible for our Protective Tariff system, under which they have so largely benefitted, and which was first introduced in order to foster infant industries, the only result being that they demand that the Tariff, be still maintained, although under its beneficial protection they have now consolidated free competitive enterprise into giant corporations, cartels, monopolies and trusts, on which watered stock is being paid out of all proportion to the original investment.

"Does it not seem strange that they demand high protection for the manufacturer, to protect him in the selling of his commodity, in an open market, yet refuse the same right to the wage earner who they consider should sell his labor power, in an open free trade market, unrestricted, in their bargaining power, and with a constant surplus of labor available as a reserve army for the employing interests. They do not seem to realize that after this war their previous concepts of industry and labor will not be applicable



"We are not fighting Hitler, to give preeminence to a super-capitalistic class who subsidized Hitler in his rise to power, and whose first objective on achieving office was to destroy trades unions and the right of collective bargaining, but to give to labour and the wealth producer, a higher standard of living in conformity with our productive powers, which we know today are unlimitable.

"We trust that our representations will be given more than the usual consideration, as while organized labor is prepared to obey the law, we are also prepared to look to legislative changes in the component make-up of our legislature, and to seek to elect those to office whose policy and legislative outlook will give tangible results to the policies and principles that we from time to time enunciate. And in doing so, we are only following the policy and practice of those who in the past have been so financially able to dictate the policies of reaction to the welfare of the masses of the people of the Dominion of Canada.

"Yours respectfully,

(sgd) "J.W.Buckley,  
"Secretary,  
"Toronto District Labor  
Council."

---EXHIBIT NO. 86: Letter dated March 3, 1943, from T.P.Flanagan, Secretary, Pioneer Lodge, No.103, International Association of Machinists to Premier Conant:

"Stratford, Ont. March 3, 1943.

"The Honourable Gordon Conant,  
Prime Minister of Ontario,  
Toronto, Ont.



"Sir:

"At the regular meeting of the above Lodge held March 1st, 1943, the Government bill for collective bargaining was discussed. I was instructed to send you the following protest.

"The members knowing the benefits to the workers of this Province by the passing of this bill, wish to protest, the handing of such important legislation to a special Legislative Committee. The anti-labor forces along with their high price lawyers and 'yes' men for so-called labor organizations, such as 'company unions' will appear before this committee and try to either defeat this bill or amend it, to make it useless to the workers of this Province.

"The members think that this bill will prevent interruptions of work in our different war production plants, also have a bearing on greater production which is most vital to our total war effort. I am

"Yours truly,

(sgd) "T.P.Flanagan,

"Copy:

"The Hon.Peter Heenan,  
Mr.A.Dixon, M.P.P."

---EXHIBIT NO.87: Letter dated March 3, 1943, from  
H. Spicer, Secretary, Industrial Union  
of Marine and Shipbuilding Workers  
of Canada, Local No. 4 to Premier  
Conant:

"Box 712 Collingwood,  
"March 3, 1943.

"Mr.Gordon Conant,  
"Prime Minister of Ontario,  
"Toronto, Canada.

"Dear Sir:



"We take this opportunity of placing our views before you regarding Labour Legislation that will guarantee the right of workers to organize in Unions of their own choice and management recognize and bargain collectively with such Unions chosen by a majority of employees.

"If your Government is to remain in our good graces, favourable legislation along the mentioned lines should be passed in the immediate future.

"Yours truly,  
 (sgd) "H. Spicer,  
 "Secretary."

---EXHIBIT NO. 88: Letter dated February 4, 1943, from J.L.Twamby, Secretary, Local Union 576 of United Association of Journeymen Plumbers and Steam Fitters of the United States and Canada:

"Stratford, February 4, 1943.

"Hon. Gordon Conant,  
 Premier of Ontario,  
 Toronto, Ontario.

"Dear Sir:

"For some time Labor has been promised that adequate legislation would be brought down to protect the workers of Ontario, the greatest industrial province of our dominion.

"Former Premier Hepburn, Hon. Peter Heenan and yourself have all promised the workers of this province that the government would enact into law a labor bill that would protect them and make collective bargaining compulsory. This promise was welcomed, and its fulfillment eagerly awaited by the whole province.

"For reasons which we fail to comprehend this matter



has been turned over to a committee on collective bargaining.

"We regret that the government of Ontario has not the courage to put into effect a Bill, which by its own admission, is essential for the welfare of this province. We are keenly disappointed at the manner in which this matter has been handled.

"We the members of Local 576, of the United Association of Journeymen Plumbers and Steamfitters, do respectfully urge that the Government fulfil its promise to the workers of this province, by introducing its promised protective legislation for Labor.

"Sincerely yours,  
 (sgd) "J.L.Twamby,  
 "Sec'y Local Union 576."

-----EXHIBIT NO. 89: Letter dated March 6, 1943, from J.C. Arnott, Recording Secretary, International Union of Operating Engineers to Premier Conant:

"Toronto, March 6, 1943.

"The Honourable G.D.Conant,  
 "Prime Minister of Ontario,  
 "Parliament Buildings,  
 "Queen's Park,  
 "Toronto.

"Dear Sir:

"Local Union #796 of the International Union of Operating Engineers urge upon you to implement the promises made by yourself and your Minister of Labour to introduce a collective bargaining bill at the present session of the Legislature.

"Many company fostered unions have come into being since these promises were made, with the sole aim of keeping legitimate trade unions out. This tends to



create disunity among the workers. We therefore ask that company fostered unions be outlawed in any collective bargaining bill that is introduced to the Legislature.

"Yours truly,

(sgd) "J.C.Arnett,  
"Recording Secretary."

---EXHIBIT NO. 90:     Undated mimeographed letter bearing receipt date "March 8, 1943" from Archie Donaldson, member of Local 232, United Rubber Workers of America, re collective bargaining bill:

"Dear Sir:

"As a member of Local 232, United Rubber Workers of America, I have followed with considerable interest the course being pursued by the Provincial Government with respect to the new Labour Bill.

"I cannot understand the failure of the Government to impliment this measure at the opening of this 1943 session, particularly after the public statements made by officials of the Government. It would seem the vicious attack on Labour launched by anti-labour interests, is influencing the Government on this matter.

"I ask you, as my representative in the House, to use your influence to see to it that the bill is acceptable to labour and particularly that all forms of 'company union' are declared illegal under the Bill.

"I will be watching the progress of the bill very closely. The Organization is non-political, but we believe in supporting people who support labour. If it is your desire to have the support of myself and others



in this organization in future elections, you could signify it by openly supporting a bill that will incorporate in it the real desires of organized labour.

"Yours truly,

(sgd) "Archie Donaldson."

MR. FURLONG: Then here is a letter written to the Evening Telegram and the Toronto Daily Star by The De Havilland Aircraft of Canada Limited, and I think it is important that this letter be given publicity because it states:

"THE DE HAVILLAND AIRCRAFT OF CANADA LTD.  
Toronto

March 5, 1943.

"The Editor,  
The Evening Telegram,  
Bay Street,  
Toronto, Ont.

"Dear Sir:

"In several editions of yesterday's Evening Telegram there appeared a report of the proceedings of the select committee on collective bargaining. This report referred to a written statement of Mr. Cummings, Assistant Security Officer of this company.

"Although Mr. Cummings stated that the views expressed were personal, the headlines might give the impression that his views were shared by the Management of this company. We should like to dissociate ourselves entirely from this statement of Mr. Cummings as it in no way represents our opinions, nor does it give a true description of the conditions existing within this plant.

"The Management of this company has no quarrel with



organized labour and will most willingly cooperate with any body of organized labour elected by our employees to represent them. It is proposed to hold a vote to determine this representation during this month and the Management is most anxious to avoid showing any preference for any particular organization. We, therefore, consider the statement of Mr. Cummings very harmful.

"Yours faithfully,

(sgd) "P.C.Garratt,  
"Managing Director."

---EXHIBIT NO. 91: Letter dated March 5, 1943, from P.C.Garratt, Managing-director, De Havilland Aircraft of Canada Limited, addressed to the editors of The Evening Telegram and The Toronto Daily Star, re written statement of Mr. Cummings, Assistant Security Officer of De Havilland Aircraft of Canada Limited.

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MR. FURLONG: Mr. Chairman, Mr. Stephen Fitzpatrick desires to address us this morning. He assures me he will be very brief.

THE CHAIRMAN: Very well.

STEPHEN FITZPATRICK, Sworn.

EXAMINED BY MR. FURLONG:

Q. What organization are you with? A. Officially I represent no organization.

Q. Are you speaking on behalf of yourself? A. From knowledge.

Q. Where do you live? A. At Hamilton, Ontario.

Q. Are you a member of the union? A. No.

Q. Where do you work? A. The Steel Company of



Canada.

Q. Proceed, please? A. Actually I wanted to say a good word for the successful functioning works' council. Yesterday Mr. McClure in evidence made certain assertions about the works' council of the Steel Company of Canada. Many of these assertions made by Mr. McClure were definitely erroneous. I will not go into detail to give you the history, as he did - that is, his version of the history - of the works' council, but I want to deal with one matter that he mentioned which was definitely untrue or at least it was meant to give us a false idea. He claimed that his union, Local 1005, constituted a definite majority. I think you will find that in the evidence.

THE CHAIRMAN: Q. I do not think he said that?

A. He said that, sir.

MR. FURLONG: Q. He said he thought they had a majority; they had no vote taken. A. I understood him to make the definite assertion that they had a majority. However, I will state that at no time, and I know this to be the fact, has Local 1005 ever had a majority of organized paid-up membership in that plant, never at any time.

THE CHAIRMAN: Q. How do you know? A. Mr. Chairman, I am in a particularly fortunate position to know because I had six years as representative on the works' council. I think I can say that I have a wider knowledge and more workmen confide in me than possibly any other man in that plant.

MR. NEWLANDS: Q. Is it not true that when a vote was taken to elect the works' council eight out of eleven



were members of the C.I.O.? A. Yes, that is quite true. I will deal with that. I have stated that they definitely had a majority.

THE CHAIRMAN: Q. How do you know? A. As I have said, I have had an opportunity to get around among the men such as very few men have. In a sense, as a representative, I have built up a confidence among the workers, and I was re-elected for six years, which would indicate that a considerable body of the workers in that plant had confidence in my integrity and to a certain extent in my ability. I just wanted to make that assertion in rebuttal, to show that Mr. McClure's assumption that he has a majority in that plant cannot be taken seriously.

Q. You have not given us any evidence yet in support of your assertion that he has not got a majority in that plant? A. A pretty fair assumption could be built up to show that he has not a majority. The law states, I think, that any organization that can show 51 per cent of paid-up membership have only to go to Ottawa and show their membership ledger, and in a very short time a vote will be taken in that particular plant. That has been done before, and I think that these locals would not have to go to all this trouble to make all these assertions and claims of majorities under these circumstances if in reality they had a majority. If they had a majority, the past record shows that all they have to do is lay that fact before the Minister or his department, and automatically they are granted a board.

MR. NEWLANDS: Q. What benefits do the employees receive through the works' council of the Steel Company



of Canada plant at Hamilton? A. I will go into that in a moment, sir. I really do not want to take up too much of your time. At the moment I would like to deal with company unions.

In the representations that have been made to this committee they contain the bald statement - I refer to organized labour and particularly one organization, namely, the C.I.O. - that company unions should be outlawed. Now, they do not give any concrete reasons why company unions should be outlawed. The Minister of Labour has defined what company unions in his estimation mean, namely, organizations that are directly or indirectly dominated by company officials. That may be a good definition. There is, however, another definition attached to the term "company union" which is not generally defined, and that is the aspect I want to deal with just for a moment.

If we search for the origin of the term "company union" it will be found, I think, that it did not come from ordinary workers; the term did not originate among the ordinary rank and file of workers. And it certainly did not originate with politicians. I think it is not hard to make a case that it originated with the individuals who are most interested in having this term publicized to the world in the sense that when "company union" is mentioned one puts his hand to one's nose, indicating that it stinks! That is the impression they tried to convey.

Now, generally the average labour union leader characterizes company unions as being ineffective. He



tries to lead us to believe that there are avenues of action available to legitimate unions that are not available to so-called company unions. As I have said, I have had six years in which to see this thing scientifically worked out, and I want to say, Mr. Chairman, that there is no avenue of action available to a legitimate union that is not available to a so-called company union. When the labour leaders speak in this sense they mean that workers have not the right to strike. That is pure imagination. I know by experience that <sup>as to</sup> any request or demand that the workers of the Steel Company of Canada (Hamilton) made to their management that they thought inwardly was of sufficient merit to go to bat on, nothing ever stopped them from walking out if it was necessary. There were no shackles on them, no padlocks, no manacles; it was up to themselves whether they walked out or not. Shortly I will come to why they did not walk out.

Now, there is another aspect. If they cannot make that angle stand up with the average worker they take this angle: "Oh, yes, but the quality of representation you get does not compare with organized union leadership." I would like to tell this committee with all deference that I think our council, which has been in for nine years and which has had quite a few representatives during that period, including union-minded representatives and non-union-minded representatives, were well able to hold their own with any outside leadership that could be brought forward. In fact, the works' council leadership was good compared with the two major competitors of the Steel Company of Canada,



namely, Sault Ste. Marie and Sydney, N.S., in spite of the fact that the workers in those plants had and have had for eight or nine years the best outside representation, in their own estimation, that it was possible to procure, because they never were able to equal the concessions record that we made with the despised company union. I would also like to state that each year - for nine years we had ten representatives and at the present time they have eleven - we always had a minority of two to four union-minded members who automatically, as soon as they were elected to the works' council, conceived the idea - I think it was inspired; in fact, I know it was inspired - that at all costs they must do everything in their power to see that this works' council did not work in the interests of the men. This has happened year after year.

THE CHAIRMAN: Q. They wanted to see the workers down-trodden and abused? A. Not necessarily; but if temporarily a condition of dissatisfaction could be created in the minds of the majority of the workers in the plant which would cause them to switch their allegiance in that plant to the C.I.O. union, that was desirable from their point of view.

Now, there are one or two suggestions I would like to make. First, it is quite possible that there will be some change in the present legislation, although we do not know to what extent, and I would like to have the committee consider, in this new legislation, if it is new, whether or not the independent workers who have independent ideas in every plant should be given ample time, in



the event that a vote is decided on in any particular plant, to publicize their viewpoint to the world. We know that any organization that specifically makes a business of organizing has considerable advantages over ordinary workers in a plant, from the angle of publicization, because they have funds to start off with, and there are certain other aspects that render it easy for the union to publicize its case and make it difficult for the ordinary workers in a plant to determine what to do; but I would ask the committee to include a clause in the new legislation that would ensure the minority a decent, reasonable chance and opportunity to publicize their case before a vote is taken.

MR.A.A.MACLEOD: (Newspaper Guild) When you say your plant council has not had an opportunity to make its position known to the world, I think you will admit that the \$10,000, \$15,000 or \$20,000 spent by the Steel Company of Canada to publicize your views through the press of Canada would give you a decided advantage over the legitimate union, as you call it?

WITNESS: I will come to that in a moment. I feel that this suggestion is important, Mr. Chairman, that in the new legislation there should be a clause stipulating that union leaders before they approach any prospect in a factory with a view to organizing him should make available to him the membership ledger. Too many workers have been sold, to their sorrow, on this proposition. When an organization has 50 members they have full licence - poetic licence, I call it - to tell the world they have 1000, or if 1500 would sound better, to say they



have 1500; and the first thing you know you have a psychological condition spreading throughout the plant because one worker will say: "Gee, they have 1000 members!" I happen to know they have not 1000, and that it is a case of the active members of this minority putting over the message.

MR. HAGEY: Q. Would not the prospective member have the right to learn what the actual membership was before he joined the organization? A. I insist that in the new legislation it would be quite possible to have a clause inserted giving a new member the right, if he desired to exercise it, to see the membership ledger. I submit that the legislature should make it mandatory that the leaders of organizations should show their membership ledgers if demanded.

THE CHAIRMAN: Q. Do you want the committee to recommend to the legislature a law that would stop people from lying about or exaggerating the merits of their own organization? That would be utterly impossible. You might as well try to apply that principle in a political campaign!(laughter). A. Mr. Chairman, I understand that the new legislation which the committee contemplates was designed to clarify and clean up many of the abuses on both sides of the picture, capital and labour. When I put forward this proposition I am not trying to put labour leaders out of commission. After all, I have enough understanding of democracy to know that if I put them out of business finally it is only a matter of time until I go out of business. I understand that well.



Now, I will come to my friend (Mr. MacLeod). He made the assertion or allusion that we had ample opportunity to publicize our case. I want to tell you the circumstances under which we publicized our case. I think the advertisement went in on the 23rd January.

Q. Have you a copy of the advertisement here?

A. No; you had it last night, sir.

Q. Yes, but unfortunately the reporter took it away to incorporate it in his transcript? A. Well, you know that the Sault Ste. Marie plant were on strike and a vote was taken by the local of the Steel Company of Canada, that is the U.S.A. local, and less than 300 members attended that meeting.

Q. What is the "U.S.A."? A. The United Steelworkers of America (C.I.O.); that is its new name. It was publicized to the world that 95 per cent of the attendance at that particular meeting had voted to strike, and that they intended to take appropriate action.

MR. HABEL: Q. They meant 95 per cent of those 300 workers, and tried to create the impression that 95 per cent of the whole workers had voted? A. Yes, that they were speaking for the whole of the workers of the Steel Company of Canada. As I have told you before, I had six years' experience on that council, and I have an understanding of the workers in that plant from the standpoint of confidence and integrity, and I say I have a greater following in that plant than any other man in the plant; and when I say that I am not saying it as a matter of ego, because it is a fact.

THE CHAIRMAN: Q. Are you sure these fellows do not



indulge in a little white fibbing? A. Well, they indulge in a little poetic licence.

Q. They all tell us how they are going to vote for us? A. However, in the week that this strike was on at Sault Ste. Marie they publicized to the world that they had overwhelmingly voted to strike. I was going to say that I have a pretty fair sense of the men's opinion in our plant, because automatically they come to me like the tentacles of a jelly-fish,- either they come in or go out - and I sensed for the first time in nine years that here was a condition that had developed overnight that could lead to serious consequences. Dozens of individuals came to me during that week, some union members amongst them, and asked: "Gee whiz, Fitz., I hope nothing happens." I said: "Why are you worrying? You are in the union." and I was answered: "Yes, but I did not think there was going to be a strike. If anything happens, I will be flat on my can." Those were the actual words. That was a condition of fear. I knew that 75 per cent at least of the men in that plant did not want any part of the strike. I knew that something would have to be done. I had been approached by dozens of members from all through the plant during that week. I automatically got busy and approached a few intelligent men in the plant and talked it over with them, and then we went and canvassed quite a few of the men here and there, and with the hangers-on of the groups it was quite evident that we would be in order to do something to combat the possibility of a strike.

Now, Mr. Chairman, when I say it was based on fear



I want to show you what fear really means. The majority of these men felt that if there was a determined minority of 300 men standing at the top of that lane on Monday morning: "Jees, I won't be able to go through that!" Actually what these men wanted was somebody to clarify their opinions and thoughts and express their views. We took that course. As you know, we brought out that advertisement.

Q. I wish you would clarify that statement: ". . we brought out that advertisement," because Mr. MacLeod in making a statement as if he were putting a question said you had a chance, and when I say you I mean the plant council, to air your views, because the company paid out about \$20,000 in advertising. I saw that advertisement for the first time last night and saw it was signed by some of the independent majority of the committee. There was also a letter included signed by Mr. R.H. McMaster, the President of the Steel Company of Canada, stating that the company did not pay for the advertisement and knew nothing about it until it was published. Is that true?

A. That is true. We got out the original advertisement and stated that we were paying for it out of our own pockets, and we paid for it.

Q. How much did it cost? A. \$185.

A VOICE (in the audience): In every paper in Canada?

WITNESS: No; don't get me wrong, friend. We got out the original, the half page, and it cost \$185.

MR. FURLONG: Q. In what paper did you publish your advertisement? A. In the Hamilton Spectator; and we



were not fooling when we said we were paying for it ourselves, because we have the actual receipts spread over several hundred members for five cents, ten cents and fifteen cents to prove that the workers paid for it, and not the company.

Now, if through what we might term - no, that would hardly fit it - if it so happened that something we had originated came to the knowledge of the president of a huge company such as the Steel Company of Canada and he saw fit to publicize it off his own bat, that had nothing to do with us.

A VOICE (from the audience): Didn't you have to authorize it!

THE CHAIRMAN: Then I was misled, because I saw a big page on one side of which was a letter signed by Mr. R.H.McMaster, the President; - I did not have time to study it carefully - saying that the management of the company had no knowledge of the advertisement until it appeared, and I had the impression that your plant council paid for the whole page?       A. Mr. McMaster was perfectly honest when he said in that letter that he had no knowledge of the original. He was publicizing the original apparently because to a certain extent it expressed his views, I will not say accidentally or otherwise, and he stipulated in the letter that he was particularly proud in a time like this that there were workers in his company who could come forward voluntarily and take this position.

MR. MACLEOD: Q. Did you draft the original advertisement yourself?       A. No; a few of us drafted that.



I will answer any reasonable question, gentlemen.

MR. FURLONG: I think you have made your point quite clear. A. Thank you. Is there anything else anybody wants to ask me?

VOICES (in the audience): No! No!

---Witness withdrew.

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MR. FURLONG: Mr. Duckworth, I understand you desire to introduce a representative of the United Electrical, Radio and Machine Workers of America?

MR. DUCKWORTH: Yes, sir. Mr. Chairman and members of the committee, I wish to introduce to you Mr. Harry Peace of Local 516 of the United Electrical, Radio and Machine Workers of America, who wishes to make some statements before this committee.

THE CHAIRMAN: We are sorry you are not on the committee, Mr. Duckworth!

MR. GARDHOUSE: Is that the only organization you represent, Mr. Duckworth?

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HARRY PEACE, Sworn.

EXAMINED BY MR. FURLONG:

Q. What position do you hold with the United Electrical, Radio and Machine Workers of America? A. I am the president of Local 516, a composite local covering at the present time four plants in Toronto.

Q. And how many members have you? A. There are approximately 1300 members in our plant.

Q. Proceed to make your statement, please.



A. Thank you:

The local I represent covers the Ward Street and Royce Avenue branches of the Canadian General Electric Company, and also the Precision Dies & Castings Company on St. Helens, which is a small company, and the Thor Washing Machine Company.

Our vice-president in Canada, Mr. C.S. Jackson, presented a brief to this committee, and I would like to bring to you in the flesh some of the things that probably Mr. Jackson has pointed out in the brief, and to emphasize some of the points we have already mentioned in connection with the legislation which we anticipate will be brought in. One of the points is the question of compulsion to recognize the union of the employees' choice. Collective bargaining to us means an opportunity to sit down with the management and discuss hours of labour, wages and working conditions in the plant, so that we can both come to an agreement without any strife and without any hard feelings on either side. We feel it is necessary to have compulsion in view of the fact that already in Canada a number of strikes have been caused by the refusal of management to grant this recognition, in spite of the fact that proof has been furnished that the union had a majority, as in our case in the General Electric plant. A year and a half ago we definitely proved that we had a majority by staging a holiday, and the company still refused to recognize the employees' union which we had overwhelmingly demonstrated represented a majority of the employees in the plant.

I have here a copy of an agreement between the



General Electric Company and the United Electrical, Radio and Machine Workers of America which is in existence at the present time in the United States. Our union there covers approximately 100,000 General Electric workers, and it is recognized as the sole collective bargaining agency for those workers. This agreement covers 98 per cent of the General Electric workers in the United States. We fail to understand why the General Electric Company in Canada, which is owned practically body and soul by shareholders in the United States - 95 per cent of the shares of the Canadian General Electric Company are controlled by United States shareholders - does not recognize the same union in Canada as represents the workers in the United States provided that we show a majority. And we believe we definitely showed a majority during our last little fracas with the company.

At the present time we are negotiating with the Genelco plant in Peterborough. We won an overwhelming vote there, about 1100 voting for the United Electrical, Radio and Machine Workers of America and, I think, 300 - perhaps I am being a little generous in saying 300 - voting for the united plant council, or whatever they call it. I heard the former speaker here (Mr. Fitzpatrick) pointing out the merits of a company union or plant council, and it is interesting to note that we have run into the same thing in the Canadian General Electric Company. That is another point I would like to make, that plant councils should be outlawed.

In our plant in 1937 the United Electrical, Radio and Machine Workers of America first became active on



the request of Canadian workers for such an organization. As a matter of fact, the sweepers first decided that we needed a union, because they were underpaid as well as the rest of the workers in the plant, and they went to the labour halls and asked if they could have a union in our plant. We managed to get some assistance from the different labour councils in Toronto, and finally the United Electrical, Radio and Machine Workers of America took over the job of assisting us in organizing the Canadian General Electric plant here. At that time there was no plant council in the shop, and conditions were depressed. Wages were fairly low. We did not receive holidays with pay; we did not have rest periods; there were no truckers on the floor, and you had to do your own trucking; ... if you are working on a piecework basis you have to knock off piecework and do your own trucking, which means that your wages are reduced a certain amount and it vitally affects the amount you take home at the end of the week.

Since the brothers and sisters in the plant decided they wanted a legitimate union a plant council has been set up, - not until last year in our shop - and they established a social club and a number of other things to keep the fellows and girls occupied. Also a number of concessions were made insofar as wage increases are concerned, and in 1937 for the first time we received holidays with pay. Last year we were successful in negotiating two weeks' holidays with pay for those employees with five years' service, and one week's holiday with pay for those with two years' service.

THE CHAIRMAN: Having said that the management would



not recognize your union, what do you mean when you say you were successful in negotiating holidays with pay?

A. After a holiday a year ago we asked for a conciliation board and managed to get it. Brother George Harris, the district secretary, and one of the brothers from the Davenport Canadian General Electric plant and myself sat down with Mr. Turner, vice-president of the Canadian General Electric Company, Mr. Corkery, the manager of the Ward Street plant and now the manager of the Davenport and Royce Avenue plants, Mr. White, then manager of the Davenport plant, and also Mr. Flood, the personnel manager of the Canadian General Electric Company, and we negotiated an agreement right up to the point where it came to union recognition. This point went to the conciliation board for decision. The conciliation board brought in a recommendation two to one - there was a minority report - and the majority report said that the Canadian General Electric Company should recognize Local 507 - I was in Local 507 at that time - as the bargaining agency for the Davenport plant at least. As to the Ward Street plant it was not as clear, and we were willing to concede that fact in view of the fact that we had not voted for the Ward Street plant alone; but we were willing to take a vote for both plants if they would give it to us, and the majority would decide whether Local 507 would be recognized or not.

When it came to this point the company refused to recognize Local 507 as the collective bargaining agency, and instead set up a general committee. Then a vote was



taken in the plant to determine the representative for the general committee, but we were not permitted to take a vote to ascertain whether or not the employees wanted to be represented by the United Electrical, Radio and Machine Workers of America. It was a question of taking the general committee or else let a bunch of company stooges get on it and run the thing themselves. Rather than do that we have been on the general committee and have been trying to make the thing function. The leadership on this committee has definitely proven itself to be ineffective, and if it were not for the guidance and assistance of fellows like brother Jackson we do not believe we would get anywhere with such a general committee. In fact, we know we would not.

When the company talks about wanting to deal only with their own employees it is interesting to note that when they run into any trouble in the plant they seek outside assistance. We have an enamel room in our shop, and if we have any trouble there the company does not hesitate to bring in an experienced representative on that type of work from the United States who can diagnose the trouble for us and clean it up as quickly as possible and with as little waste as possible; and therefore we do not see any reason why the employees should not have the same right to bring in people, even from the United States, if necessary, or at least to secure guidance for our leadership from the international office in New York City, who have been dealing with the company for the past six or seven years. Why should we deny ourselves the benefit of



their experience? When they say: "There is no need to go outside the plant" that is all right for them, but we feel there is a need; and we want it guaranteed by law that we have the right to bring in a representative who has had this experience to pass it on to us.

It is also interesting to note that the - I was going to say "brother" - man who spoke before me said there was a certain amount of fear in the minds of union members who came to him and asked him: "What are we going to do? We do not want a strike in this plant." It so happens that the United Steelworkers of America is similar in that respect to our own union: the workers in the shop are the people who make the decisions for that shop. There is no question of Mr. Jackson coming into our meeting and saying: "Well, boys, we will have to cook up a little strike in order to get anything here." The organizer can write down the programme for the union, but it is up to the general membership of the union, who are comprised of the workers in that plant affected and who are considering the matter in dispute, to say the last word on the question. There is no question of anybody saying: "I am afraid we are going to have a strike." If a man is on his toes he will get up and say: "Look, fellows, strike is out as far as I am concerned, and I am going around to convince everybody in my area and in the rest of the plant that we do not want a strike"; and if the majority say they do not, that settles it. I do not think anybody objects to campaigning against one between elections, but once the thing is settled we have to abide by the majority.



This liberal government said they should be in power in Ontario, and the King government said they should be in power in the dominion, and there is no reflection on the liberals because they are not doing a bad job - provided they bring in this bill! (laughter)

MR. HABEL: Q. And some beer? A. Yes, brother, beer! It is the same in an election, if you don't get out and find out what the candidates stand for and study their background, and they happen to slip in a punk government, that is your funeral. If you permit a government to get into power that is not responsible to the people and is not doing a good job for you, still you have to abide by the majority decision. That is democracy. Unfortunately there are people not on their toes all the time, and so we get the odd government like that in power.

MR. NEWLANDS: Q. Not in the last seven or eight years? A. You cannot quote me!

What I am trying to establish, gentlemen, is that the decision rests with the workers in the plant affected. It is up to everybody in the plant to make the decision. I have noted in the paper a great deal of talk about if this bargaining bill comes in everybody is going to be forced to join a union. That is not true. In this agreement I have mentioned there is a clause on discrimination and coercion which I will read, with your permission:

"Agreement entered into this first day of April, 1942,  
"between the General Electric Company, hereinafter  
"referred to as the Company, and the United Electric-



"cal, Radio and Machine Workers of America, in  
"conjunction with its affiliated General Electric  
"Locals, hereinafter referred to as the Union."

Then Article IV headed: "Discrimination and Coercion"  
reads:

"1. There shall be no discrimination by foremen,  
"superintendents, or other agents of the Company  
"at any plant of the Company, against any employee  
"because of the employee's membership in the Union.  
"2. The Union agrees that neither its officers nor  
"its members, nor persons employed directly or in-  
"directly by the Union, will intimidate or coerce em-  
"ployees; nor will it solicit members on Company time."

MR. FURLONG: May we have that copy of the Agreement?

A. Yes.

---EXHIBIT NO. 92: Agreement dated April 1, 1942, between  
General Electric Company and United  
Electrical, Radio and Machine Workers  
of America.

This is the agreement which is in existence at the  
present time in the United States. There is no question  
of forcing people to join a union. This law will guarantee  
the right of those who want a union to represent them to be  
recognized by the company, and we are asking that we be  
given the right to have the company recognize us when we  
prove that we have a majority; we ask that the company be  
compelled to sit in and recognize us.

I have heard . . . being said about the salaries of  
union officials. I am the president of Local 516, and I  
receive no wages, and neither does any officer of our  
local. The only people who receive wages are the full-



time men such as brother Jackson, brother Harris and the district officers; and their wages are put in a financial statement quarterly, which statement is sent out to each local, and each union member has the right to look at the financial statement. The same is true with regard to the United Electrical, Radio and Machine Workers International office in New York: Every month a statement comes out showing the amount of dues collected, the number of initiations, and where every cent of that money goes, right down to postage stamps. So there is no question of anybody making exorbitant salaries or booking in expenses that are not legitimate. This is workers' money that these people are handling, and when you are handling workers' money you are a darned sight more careful with it than you are with your own! I think that is all, gentlemen.

MR. FURLONG: Q. Mr. Jackson went over your case very thoroughly the other day, so I do not think the committee needs to ask you any questions. A. Thank you.

---Witness withdrew. (Prolonged applause from the audience)

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MR. FURLONG: The next order of business, Mr. Chairman, is the United Gas, Coke & Chemical Workers of America, represented by Mr. William Edmiston.

WILLIAM EDMISTON, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Edmiston, you represent the United Gas, Coke & Chemical Workers of America? A. Yes, sir.

Q. At what place? A. In Ontario; we have organiza-



tions in Niagara Falls and in Toronto.

Q. Do you live in Niagara Falls? A. I live in Toronto.

Q. What position do you hold in regard to that union?

A. Regional director.

Q. How many locals have they under their wing? A. We have at the moment four locals in Niagara Falls and one in Toronto.

Q. And how many members? A. About 4000 all told.

Q. In Ontario? A. Yes.

Q. Proceed with the statement you wish to make?

A. Thank you.

THE CHAIRMAN: Q. What is the name of the union you represent? A. The United Gas, Coke & Chemical Workers of America, a C.I.O. international union formed only last September. Since last September we have formed four local unions in Niagara Falls and one in Toronto with at least 4000 members. In Niagara Falls we have local unions, but no agreements.

In the case of the Norton Abrasive Company, over 90 per cent of the members signed - it is a purely American company, and we have no agreement, nor have we had any negotiations to date.

Q. You could not very well have an agreement without negotiations? A. I am stating this point to show the need for a collective bargaining bill.

In the case of the Canadian Carborundum Company we have also 80 per cent signed members, taking in all eligible employees. That is another American company



which, across the river, has an agreement, but we have not entered into negotiations with them in Canada.

MR. ANDERSON: Q. Have you attempted to enter into negotiations with that company? A. Yes.

Q. What percentage of the employees do you say are organized? A. Over 80 per cent signed members.

THE CHAIRMAN: Q. Did you ask for an agreement?

A. Yes, for some considerable time. All the letters we write and the applications we make go first of all to the parent body in the United States before we receive replies.

In the case of the Burgess Battery Company's plant at Niagara Falls we have an application in for a board of conciliation. Approximately 200 employees were laid off, dismissed, we believe, in retaliation for joining the union. We made an application for a board, and the answer to our application came from a firm of lawyers in Chicago.

MR. HAGY: That is an insult. The answer to your application should at least have come from a firm of lawyers in Ontario!

WITNESS: In the case of the Welland Chemical plant, which is a Crown company, we also have a majority, around 70 per cent of eligible workers, signed as members.

THE CHAIRMAN: Q. How do you determine those percentages? A. We know the number of employees, and we have the signed cards which can be laid on the table at any time.

Q. Paid-up? A. Paid-up.

MR. ANDERSON: Q. How many employees are there in



the Welland Chemical Company?      A. There are approximately 1350 eligible to join the union.

Now, gentlemen, we have a short brief drawn up by a committee of citizens, not the union, and I would like to have that brief presented by Mr. Thomas Robb, who is an ex-service man, I believe the brief will cover many of these points, and if you require any additional information I shall be glad to give it if I can.

THE CHAIRMAN: Very well.

---Witness withdrew.

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THOMAS ROBB, Sworn.

THE CHAIRMAN: Proceed, please.

WITNESS: I hand you a copy of the brief and also a folder containing the testimony of the people in the Niagara area with regard to collective bargaining.

---EXHIBIT NO. 93: Petition to the Ontario Government for the enactment of a labour bill, signed by a committee of citizens of the Niagara Falls area:

"PETITION TO THE ONTARIO GOVERN-  
MENT FOR THE ENACTMENT OF  
LABOUR BILL

"We, the undersigned citizens of Niagara Falls area respectfully and vigorously demand that the promises made by the Ontario government be kept, and that a Provincial Labour Bill guaranteeing Labour's Rights of Collective Bargaining and Trade Union Organization be introduced and enacted at this Session of the Ontario Legislature.

"We insist that this is absolutely essential so that Labour-Management relations will be improved



through the democratic machinery and procedures of such a bill, and furthermore, we believe that Ontario Labour is entitled to such a bill. We earnestly appeal to the Ontario Government to enact this bill, despite the efforts of the anti-war and anti-labour forces to scuttle it, and we re-emphasize our conviction that now is the time for all-out labour-management-government cooperation so that there will be a plentiful supply of the weapons of war to ensure Victory for the United Nations in 1943.

Sponsored by Committee to Secure Labor Legislation."

---

EXAMINED BY MR. FURLONG:

Q. What position, if any, do you hold with this union?

A. None, sir.

Q. You have been selected by a delegation of citizens, is that it? A. I was selected at an open meeting of the citizens as an ex-service man to come forward and make my presentation. I am a union member, but not of any of the unions referred to in this brief.

THE CHAIRMAN: Q. You refer to the citizens of which city? A. In the Niagara area, covering as far up as Grimsby.

Q. Including Hamilton? A. No, sir.

MR. ANDERSON: Q. Including St. Catharines? A. Yes.

Q. The counties of Welland and Lincoln generally?

A. Yes, practically speaking.

THE CHAIRMAN: Proceed.

WITNESS: -

"March 10, 1943.

"Gentlemen:

"This Delegation which is privileged to present the



points of view of the working people of the Niagara Falls area to the Collective Bargaining Committee here today, is a very representative one.

"Not only are the Trade Unions represented, but as shown by the attached list, Farmers, Civic and Township bodies, Churches and Political parties desire through this brief to give sound reasons why a bill to protect the democratic rights of labour unions should be enacted by the Provincial Government now.

"The Niagara Falls area is truly a good example of why Collective Bargaining should be mandatory when the majority of the employees in a Plant are members of a bona fide union.

"Of the huge Chemical plants in Niagara Falls, three can show a very substantial majority of workers as members in good standing in the United Gas, Coke and Chemical Workers of America, but no negotiations have to date taken place between the Companies concerned and the Local Unions.

"At the Norton Abrasive Company, where the Union has over 90% of the employees signed up, the Management has still to meet the Union Committee for the first time. The same situation exists in the Canadian Carborundum Factory where out of approximately 900 employees, over 750 are members of Local 162. The Welland Chemical Works, the majority of whom are members of Local 165, are in a similar plight, and since this Crown company is employing workers from every walk of life and from all parts of the Niagara Peninsula, we believe, gentlemen, that our brief should deal extensively with the situation



in this plant.

"The Welland Chemical Works employ approximately 1800 men and women from towns and municipalities within a radius of twenty miles or more. Workers from as far as Grimsby, Port Colborne and Niagara-on-the-Lake drive to and from their work every day so that they can help produce the munitions of war. A considerable proportion of these workers come from the surrounding farms, especially during the winter months. On their farms they practise cooperation and democracy. This democracy and cooperation is the very foundation of their daily work and way of life. Entering our war industries they find themselves in an arbitrary atmosphere directly in opposition to their traditionally democratic way of life. The lack of democracy in war plants affects their morale and constructive initiative. Only through the passage of a genuine labour bill will the road be opened for utilizing, instead of outraging the constructive initiative of our farmer workers.

"The same basic truth holds good for the housewives working in our war industries. They know from experience that harmonious family life is the result of cooperation and the practice of democracy, and are irked and bewildered upon entering a war industry where they find cooperation totally lacking.

"We submit, gentlemen, that farmers and housewives coming under the undemocratic rule of the heads of the American Cyanamid, who administer this Crown company, are under existing conditions not allowed to produce to



the best of their ability the war materials Canada and the United Nations so badly need.

"Let us explain the undemocratic rule of the management of the American Cyanamid Company. Due to the lack of a Collective Bargaining Bill, the Cyanamid Company, in their Niagara Falls plant, knowing the United Gas, Coke and Chemical Workers had signed up several hundreds of their employees, drafted a Company Union Agreement and coerced the members of an Improvement and Development Committee, which operates in the plant, to sign this infamous document.

"To date this agreement which was signed and then revised by the Company has not been submitted to the employees for ratification. Nor were the employees ever consulted as to whether or not they wanted this agreement or even wanted this committee to act in their behalf on such matters.

"The same tactics as those mentioned above were used unsuccessfully by the Cyanamid appointed management of the Welland Chemical Works, and although today 70% of the workers in the plant have chosen the C.I.O. as their bargaining agency, the Manager of this Crown company has ignored the request that he meet a Union Committee and is still trying hard to foist his Plant Union upon the employees.

"This dictatorial policy has resulted in a number of stoppages of work in this very important war industry.

"The house-wife and the farmer are not used to this



treatment and on one occasion when the Manager, without any warning, ruled that a number of men and women employees must work 45 minutes longer than they had been working, and for the same amount of pay, a whole department stopped work. Lacking a collective bargaining agency to provide grievance machinery, this department was idle for several hours.

"In the Burgess Battery Company plant a war order for tens of thousands of badly needed batteries was lost because of labour friction, which would not have existed if we had had a proper labour bill.

"We feel it is of the utmost importance in our fight for democracy, that protection under the law be afforded to the workers employed by such a company.

"The citizens of Niagara Falls area insist that if a company was compelled by law to bargain collectively with the union chosen by the majority of the employees to represent them in negotiating a contract, much valuable time would be saved and that with better labour-management relationship, production would soar to new heights. We submit that the working people of Ontario are entitled to a Collective Bargaining Bill. We believe the Provincial Government should without delay enact such a bill as has been proposed by the Canadian Congress of Labour delegation, a bill which would prohibit the foisting of Company Unions upon the workers, and which would force the anti-labour employer to bargain collectively with the Union chosen by his workers as their bargaining agency.



"Better cooperation by labour-management-government in the interest of greater production can be achieved by a proper Labour Bill. Such a bill is long overdue. We petition you, gentlemen, to recommend the enactment of a proper collective bargaining bill without delay."

At the same meeting the chairman was requested by the general body to send a telegram to General MacNaughton assuring him that the workers of the Niagara area would supply all necessary equipment for the fight ahead of him, and that given proper consideration by their employers there would be no lack of any necessity in that respect so far as the employees are concerned.

MR. FURLONG: I do not think, Mr. Chairman, there is any necessity to question Mr. Robb. These points are pretty well outlined in former briefs by the heads of the C.I.O., the A.F.of L., and so on. Mr. Rodd has reiterated in a very forceful manner the principles for which they stand.

WITNESS: Thank you.

MR. A.A.MACLEOD: Mr. Furlong, would you let us know the names of the organizations represented in this delegation? I believe they are listed at the back of the brief.

WITNESS: They are listed on the back page.

MR. FURLONG: They are as follows:

"Mr.R.Booth, Deputy Reeve - Stamford Township Council  
 Mr.D.Glantz, Councillor Stamford Township Council  
 Mr.S.Corfield - Co-operative Commonwealth Federation  
 Mr.M.Mueller - Local 162, Canadian Carborundum  
 Mr.G.Knight - Brotherhood of Railway Carmen,A.F.of L.  
 Mr.G.Martin - Canadian Corp.  
 Rev.Stokes - United Church  
 Mr.E.Elliott - Farmer U.F.O.



Mr.W.Galliford - Local 154, Norton Abrasive  
Mr.T.Robb - British Imperials Assoc.  
Mrs. Ridley - Local Burgess Battery  
Mr. Osborne - Printers Guild C.C.C.of L.  
Mr.E.Mason - Local 165, Welland Chemical Works  
Mr.L. Mullens - Communist-Labour Total War Committee  
Mr.Wm. Edmiston - Congress of Industrial Organization  
Mr.B.Udell - N. American Cyanamid

AND OTHER DELEGATES."

---Witness withdrew. (Prolonged applause from audience)

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WILLIAM EDMISTON resumed the stand.

WITNESS: Mr. Chairman, there are one or two points I would like to elaborate upon. I still want to call on representatives from the Toronto Local Gas Workers, who certainly have something worth while to contribute.

I should like to stress one or two points mentioned in the brief with respect to the Niagara Falls area. One is the company union that, it was stated, has been foisted on the workers. I listened to the first speaker this morning (Mr. Fitzpatrick) advocating company unions. We have had quite a little bit of experience with company union set-ups in the Falls. In the Cyanamid Company we had already started organizing and had signed up 200 or 300 members when the company first gave the men the deadline of the 9th of the month, which was the day that the provincial parliament convened, on which they must have a signed contract.

THE CHAIRMAN: Q. Who must have a signed contract?

A. The company presented the contract. The men employed there did not see this contract. It was drawn up by the company.

Q. Have you a copy of that contract? A. I have a



copy of it, I believe, sir.

Q. I would like to see it.      A. It is one of the best company union agreements I have seen!

MR. ANDERSON:    You are speaking now of the Cyanamid Company?      A. The North American Cyanamid Company. The officials of the company selected nine of the workers on the I. and D. Committee to come before the management.

THE CHAIRMAN:    How were the nine workers selected?

A. They were on a committee for improvement and development purposes.

Q. Who set that committee up?    A. The company.

Q. Did they select nine men representing different branches of the plant?    A. Yes.

Q. They nominated them?    A. No; the average worker is quite prepared to cooperate when he can in improving or developing anything that will further the war effort.

Q. How did you get the nine men?    A. They were elected months before for this other committee, the Improvement and Development Committee.

Q. How were they elected?    A. By department representation.

Q. By secret ballot?    A. I do not suppose it was a secret ballot.

MR. FURLONG:    Q. By the men?    A. Yes, by the employees.

THE CHAIRMAN:    Q. You have no quarrel about the nine representatives?    A. No; not so long as they were on the Improvement and Development Committee, but the company presented those nine men with an agreement which covered all of the people in the plant and told them they had four



hours in which to sign it.

Q. Can you give us the four-hour agreement? A. I cannot give you the four-hour agreement; I can produce a member from that plant who can speak on that particular subject. We have a representative here today.

MR. HABEL: Q. Was he on the committee that sat with the employers? A. I could not say for sure. I will leave that to the gentleman himself if you wish to hear him. They gave them four hours in which to sign, and at the end of four hours these nine men signed this agreement.

THE CHAIRMAN: Q. And they did not have time to consult the employees? A. No; they did not have time to consult anybody. They simply signed because they were afraid of their jobs in the company.

MR. HAGEY: Q. They had no authority to sign? A. No; they had no authority to sign. This agreement was then placed on the notice board of the plant with a statement saying that on a certain date it would be revised. The company did not like some of the clauses in that agreement; I guess they were too favourable to the men, and the company wished to revise them.

Q. The company drew the agreement themselves and did not like it? A. Yes; it was too democratic.

MR. NEWLANDS: Q. They drew it themselves? A. They did. This committee has met since, sir, to revise this agreement, and I understand that to date no person outside of those nine men has been consulted as to whether or not this agreement is suitable and acceptable, or whether or not the men even want it.



MR. NEWLANDS: Q. After it was posted up on the board all the employees in the plant had an opportunity of reading that notice? A. Yes; but they had no opportunity of reading whether or not they liked it after they had read it.

Q. They could have called a meeting? A. They could; but they had no means of calling a meeting. I have called several meetings since, and have had expressions of opinion from those same men.

I would like at this time to mention that the first speaker stressed the fact that you must show 51 per cent of your membership in order to get a vote. Now, if at the moment a vote was called at that plant we could win it, but we could not show 51 per cent signed members because we only started organizing three weeks or a month ago. Therefore I am not altogether in favour of having to show 51 per cent in order to get that vote.

The Welland Chemical Works, which comes directly under the control of the Cyanamid Company, is a Crown company - the United Nations have put up the money for that company, but it comes directly under the control of the North American Cyanamid Company - and exactly the same tactics have been tried in that plant for the past number of months; but the first meeting the management ever called in order to try to set up a company union lasted three minutes, when the management were actually booed out of that hall within the company's plant. The men working in that plant would not accept the company union.

MR. FURLONG: Q. How many employees are there in the



Welland Chemical Works? A. About 1350 eligible for membership; they employ altogether about 1800.

Q. When did you start organizing? A. About the 15th December.

Q. Then you admit you have not a majority? A. I have, in there.

Q. You have, there? A. Yes, definitely; in the North American Cyanamid Company I only started about a month ago to organize.

MR. ANDERSON: Q. When did the Welland Chemical Works go into production? A. About two years ago.

The Burgess Battery plant is a very sore point down there. In that case the country lost hundreds of thousands of batteries, one order being for at least 190,000 batteries which could not be filled because an unorganized group stopped work for less than half a day.

THE CHAIRMAN: Q. That is mentioned in the brief?

A. Yes.

Q. A number of employees were asked to work forty-five minutes overtime? A. Yes, and 200 employees were laid off entirely. Since that time there are at least 150 unemployed women around Niagara Falls who cannot find work, although we need them so badly in industry, due to the fact that there is no recourse to the law in that particular case; the employees who were not organized had no recourse except to stop work in order to try to gain some of the concessions we had asked for. The result is that there are 200 unemployed.

I would like to call upon the president of Local 30



of the Gas Workers in Toronto, who could give you further information which I think you gentlemen should have.

THE CHAIRMAN: Very well.

MR. HENRY LEACH (President of Local 30, District 11,  
United Gas, Coke & Chemical Workers  
of America):

Mr. Chairman, I would like the secretary to read the petition first.

THE CHAIRMAN: Very well.

(721 follows)



THEODORE EMES, Sworn.

WITNESS: Mr. Chairman and gentlemen of the Committee, this is a petition put through by the employees of The Consumers' Gas Company, Local 30 of the United Gas, Coke and Chemical Workers of America (C.I.O.). It reads:

"UNITED GAS, COKE AND CHEMICAL WORKERS  
OF AMERICA (C.I.O.)  
Local 30 District 11  
81 $\frac{1}{2}$  Queen Street East, Toronto, Ontario.  
Telephone AD.5502

"SUBMISSION TO THE  
HON. PETER HEENAN, Minister of Labour,  
and to the Ontario Provincial Government  
and Legislature;

"REGARDING THE ONTARIO LABOUR BILL

"Hon. Sirs:

"The officers and members of the above mentioned bona-fide union are disturbed and alarmed over rumours and press stories hinting that the Ontario Labour Bill which was pledged by our Government is in danger.

"We contend that the enactment of the proposed Heenan Labour Bill, providing for genuine Collective Bargaining and the speedy arbitration of industrial disputes, would immeasurably aid the Provincial war effort. In our opinion, such a Labour Bill would give a real foundation for the kind of co-operative Labour-Employer relations needed for the successful prosecution of the war.

"Our nation has been warned by Premier King that soon our armed forces will be crossing the Channel to invade Europe. The Casablanca Unconditional Surrender Conference laid down the plans for this. The great task of all workers and employers now is to produce to



the maximum for the offensive.

"Local 30 of the U.G.C.C.W.A. is composed of men and women who are doing very vital war work, producing and distributing gas for industrial and domestic use. Our product is used in all the main war plants. We would like to see Legislation passed which would do away with all labour-management troubles, strikes and slowdowns for the duration. The Heenan Labour Bill would be vital in achieving this goal.

"Therefore, Hon. Sirs, we petition you, as elected representatives of the people of Ontario, to enact the Heenan Labour Bill at this session of the Ontario Legislature, and thus give an example of unity and democratic progress to all Canada and the United Nations."

We have approximately six hundred signatures to this petition.

MR. REGINALD WRIGHT (Vice-president Local 30 of United Gas, Coke and Chemical Workers of America (C.I.O.):

The petition was drawn up before the Committee was selected.

---EXHIBIT NO. 94: Undated petition by Local 30, District 11, United Gas, Coke and Chemical Workers of America to the Honourable Peter Heenan, Minister of Labour.

---Witness withdrew.

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MR. FURLONG: Is that all now, Mr. Edmiston?

MR. EDMISTON: I would like to call upon the president of Local 30, but before he appears here I would like to make a remark with regard to the first speaker who continually



referred to unions such as ours as "legitimate unions" or the people who are "union-minded." I do not know why he said that since he was boosting company unions, but he certainly left out "union-minded" or "bona-fide unions" when speaking about company unions!

---

HENRY LEACH, Sworn.

EXAMINED BY MR. FURLONG:

Q. You are the president of what union? A. Local 30, District 11, United Gas, Coke and Chemical Workers of America (C.I.O.); it is a local covering employees of the Consumers' Gas Company of Toronto.

I am going to be very brief because you have heard the pros and cons of this matter before. I think we, as members of the union, quite agree that there should be a law in connection with Collective Bargaining. We have gone through the same thing in the case of individual bargaining for years, and never got anything but fire. With Collective Bargaining there is a certain amount of fellowship among the workers through the union. We also feel that a collective bargaining law would be better for the war effort. A number of our members were in the last war, including myself, and we recall conditions, particularly at the commencement of the war, when we would throw a shell over and old "Fritz" threw it back at us. We did not like it very much, and used to call both the workers and manufacturers names that were not very nice, but sometimes they deserved them because we were getting knocked out every few minutes through failure to produce the goods in this country, in Great Britain and other countries.



We feel that a law of this kind will give the workers a certain amount of protection and eventually lead up to better co-operation between the company and the workers, both from the manufacturers point of view and the point of view of the workers. That is the reason we are here today, to plead for this collective bargaining bill because we think it should be passed as has been promised us several times.

The union I represent comes to a certain extent under the Dominion Industrial Disputes Investigation Act, and we think there should be a speed-up in their methods of procedure. From the 11th of November last, when we first made application for a board of conciliation, we have been going on with this, but there is no sign of a finish yet; and in that period the men have become irritable and out of sorts, and you have to <sup>use</sup> the iron fist to knock them down and keep them in their places. If the law were speeded up a bit it would get better results and keep the men more amicable and under control, and prevent friction from creeping in.

The previous speaker mentioned company unions. The objection we have to a company union, Mr. Chairman and members of the committee, is this: When we started to form the present union the company went around and took a vote of the distribution department but did not take a vote of the men actually concerned and eligible to be in the union; they took a vote from the foremen and supervisors, who are not eligible to be in a union, and that was very detrimental to a bona-fide trade union trying to organize. Of course, the vote was overwhelmingly in favour



of the union, in spite of the foremen and supervisors.

We have to get rid of the company unions. We strongly urge, Mr. Chairman and gentlemen of the Committee that you bring in a bill that is fair not only to the workers but to everybody, because without public support we cannot get anywhere. We have to bring in something that will suit the manufacturers, the public and the working class in general, and satisfy everybody. That is a hard thing to do, but we have to do our best.

On the evidence presented before you I hope you will be enabled to bring in something that will stop all this damnable trouble that is going on, so that when the boys come back they will thank us for having fought for them on the home front. Some of us know what happens when men come back from war. Some are selling buttons and pencils on the streets, and things like that. They should have a certain amount of protection when they come back, gentlemen. The members of our union who are in the armed forces in Great Britain are now telling the boys over there to keep on fighting because when they come back they will get a square deal.

---Witness withdrew. (Prolonged applause from the audience)

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MR. EDMISTON: Mr. Chairman, I would like to call upon the vice-president of Local 30 of the United Gas, Coke and Chemical Workers of America (C.I.O.) to appear before you because I think he has quite a valuable contribution to make to your deliberations.

MR. CHAIRMAN: Very well.

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REGINALD WRIGHT, Sworn.

WITNESS: First, I would like to give a few facts regarding our Toronto Local. We have 669 members under the agreement, but we have very nearly 800 altogether.

Now, in the petition we have made quite a point of the assistance that this proposed legislation would be toward war production. Our president has stressed that point. There are a lot of people nowadays who are giving lip service to the war, and I want to show that in our case we definitely mean what we say.

I believe 15 per cent of our membership are in the armed forces. In the matter of Victory bonds the first loan sold amongst the employees without our assistance totalled around \$8000. We were not invited to assist. In the case of the next loan the union was invited to assist, and we pushed it up to \$60,000, and the last loan was around the same figure. In the case of the next loan we hope to go over that mark.

During the depression years when the union was formed we were putting out between 12,000,000 and 17,000,000 cubic feet of gas every twenty-four hours, the average at that time being around 13,000,000. Recently we produced 25,000,000 cubic feet of gas in twenty-four hours, although there are approximately 100 less men employed at this time. This is a tremendous increase, and has taken place while we have been under agreement with the company.

A few years ago the question of "yellow dog" contracts arose. I do not know the proper name, but you will understand what I mean by that.



MR. FURLONG: Q. Yes, it has been dealt with very forcibly. A. I will tell you our experience: About 1939 a sheet was circulated in the production department, that is the manufacturing department of the Consumers' Gas Company, by the foremen, stating that the undersigned were not connected with the union, and thanking the company for certain concessions made such as holidays, and they stated furthermore that they were entirely satisfied. A large number signed it. It caused a great deal of resentment, and the president of the union, Mr. William Thwaite, at that time protested to the Department of Labour, and the upshot was that it was withdrawn. Mr. Tucker, the general manager, stated, after the protest was made, that he did not know it was going on, and would not have signed it himself. We believe that sort of thing should be outlawed. We think the workmen should not be irritated by these things which lead to strikes.

Q. You can take it that the committee are aware now of the wishes of the union with respect to "yellow-dog" contracts? A. That is fine. By the way, our officers are not paid either, and our union is run by our local officers. Up to last year's agreement our own officers, the workmen in the plant, negotiated the agreement; this year Mr. Edmiston, who is our international board member and who is still an employee of the company but is on leave, is assisting us; so the company is dealing with its own employees although it is an international union.

The closed shop is an angle I want to bring up here.

THE CHAIRMAN: Q. I do not think you need discuss



that, because nobody has asked for it? A. We have asked for it.

Q. You are asking for the closed shop? A. Yes, we now have it before a conciliation board, and we can show 93 per cent signed members.

Q. The representations that have been made thus far are to the effect that they think the closed shop and check-off should be subject to negotiation between properly elected, democratically elected, representatives of the employees, and the management. No one has asked for compulsory closed shop and check-off. Are you asking for a compellable check-off and closed shop? A. With a given percentage. We have 93 per cent, and we feel that definitely entitles us to a closed shop, since 193 per cent have asked for it. It is merely a case of us deciding how we are going to manage our own affairs.

Q. You are getting into something rather dangerous.

A. We also draw attention to this point, that the dominion government was elected with less than 50 per cent of the total vote, and yet once elected we must abide by their decision; they have a closed shop on the whole of Canada, have they not? They had less than 50 per cent, and we have 93 per cent. Furthermore, they have a check-off. Try to avoid paying your taxes, and see if you can get away with it!

Q. I may say, frankly speaking, that there is not the slightest chance of getting the closed shop, because you are the only one that has asked for it? A. There may be others now.



Q. It would be going very far, in my opinion, to incorporate something into the law that has not been asked for except by one local union? A. As long as we are on record as wanting that, it is a precedent that has been created. Somebody has asked for it.

MR. FURLONG: Q. I do not think anything can be done about that. There may be some provision put in an Act whereby an agreement would not be illegal by reason of providing for it? A. That would be a help.

Q. I think that is as far as you can expect the legislation to go? A. Even if it were recognized in law, that would be helpful.

THE CHAIRMAN: Pardon me a moment, please.

Is Mr. McArthur in the room? (No response)

Q. Proceed, please? A. We have trouble between union and non-union members. In one case a man by the name of William Moore struck another man who was a non-union man named Kidney, during a discussion on unionism. Moore knocked Kidney down, and half an hour later he did it again, which made his case a little tough to defend. We took the matter, finally, to the Ontario Department of Labour, and Mr. Fine acted as arbitrator and directed that Mr. Moore should be put back to work. That altercation was caused purely because union and non-union men were working side by side. In our agreement we specifically agree that there shall be no discrimination between union and non-union men. This trouble was caused by the fact that this man was a non-union man. They refer to a non-union man as being as small as a hitchhiker who will not pay for the gas. I think it is unfair



that non-union men can share in all improvements in wages and conditions without paying his share of the cost.

Q. How will you overcome that feature? A. It does cause a great deal of unrest and friction among union men who, after all, are the huge majority in this particular case. That is recognized by the company. We feel it would definitely contribute to industrial peace in plants where they have a huge majority if the closed shop could be granted on application, when the percentage is proved.

MR. HAGEY: Q. Is not that a matter of negotiation between your committee and the management? A. Yes.

Q. You feel that it is in the best interests of peace and harmony in the plant to have the closed shop? Z

A. The company does not agree with us there. Coming under the Industrial Disputes Investigation Act at this time, we feel quite strong enough to enforce this by strike action, but we do not dare; the law would permit us after the findings of a board, but the leadership of this union would never agree to strike during wartime. We feel advantage is being taken of that fact, and that even in peacetime those industries coming under the Industrial Disputes Investigation Act have so many limitations placed on them that such industries at least should be granted closed shop on showing proper percentage.

THE CHAIRMAN: Q. I know of more than one case where there is the utmost harmony between the management and the union - referring now to the American Federation of Labour. In one case they had over 90 per cent membership and asked for a closed shop agreement and check-off



and got both of them, but it was by agreement? A. Yes, there are a large number.

Q. When you can do that by the exercise of goodwill and fair play on both sides you are getting some place, but once you start putting compulsion in the law to compel people to do things they do not like to do, are you not courting a lot of trouble? When you have that great majority in a union the company will sit down with you, and nine times out of ten you will arrive at an amicable agreement, whereas if you act as selfish individuals you will not get anything? A. I am speaking only for my own local. You mentioned the American Federation of Labor, and I may remark that craft unions can get closed shop much easier than industrial unions. There does not seem to be the same reluctance to grant closed shop to craft unions.

THE CHAIRMAN: That is very fair.

---Witness withdrew.

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MR. EDMISTON: I would like to suggest that probably Mr. Wright was trying to convey the impression that he did not want closed shop unions outlawed. It was not so much a question of making it mandatory and forcing the closed shop on the employers as to leave the door open for a closed shop. Many employers at the moment stress the fact that there is nothing which would make a closed shop or even a union lawful; in fact, they point to certain parts of the Act and say it is unlawful. As a matter of fact, our company's brief brought out some of those points. I really believe that is probably what



Mr. Wright was trying to convey.

May I call upon one of the workers from Niagara Falls? He is a worker in the plant where we have our newest company union!

THE CHAIRMAN: If he will be brief you may call him now.

MR. EDMISTON: Yes, he will be very brief.

THE CHAIRMAN: Very well.

MR. EDMISTON: I would like to introduce Brother Bert Udell, who will speak to you about company unions.

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BERT UDELL, Sworn.

WITNESS: . A while ago the question was raised as to how this committee was .elected. We had somewhere around 26 departments, and we elected a man out of each department for the I.& D. Committee, the Improvement and Development Committee. They have about three different meeting times amongst themselves; that is, so many departments go together at one time for a meeting with the head of the plant in connection with the Improvement and Development of the plant.

MR. ANDERSON. Q. To what plant do you refer?

A. The North American Cyanamid Company. Out of the 26 men that have been sent in on this I.& D. meeting, the I.& D. Committee picked out nine men on this collective bargaining committee, about which the men had nothing at all to say. It was not even put up to the men. It was all done with the I.& D. Committee. I heard a reference about putting it on the bulletin board. Well, in



some of the departments this agreement was put on the bulletin board, but as far as anything else is concerned the men had nothing to do with it, and could not say aye, yes or no about it. When these nine men went up to the management the management called them in and put this agreement in front of them and said: "We will let you look it over," and they looked it over and then the management said: "You had better sign it," and the men signed it. The workers did not have anything at all to do with it. I think somebody was trying to put something over on the men so that they would not try to get a proper collective bargaining committee of their own choice.

MR. FURLONG: Q. The committee understands that point pretty well, and also the union's idea of it, because that practice has been stressed quite often here. A. I was not speaking about the union but about the raw deal the plant gave the employees.

Q. Well, the employees' idea of it? A. I do not know that there is very much more I can tell you about it. I explained how they got their committee, and so forth.

Q. It interferes with the free choice of the employees to elect a committee? A. Yes.

---Witness withdrew.

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MR. EDMISTON: May we take another three or four minutes of your time, Mr. Chairman?

THE CHAIRMAN: Perhaps you do not realize that we have heard a great deal of evidence of a similar nature.

MR. EDMISTON: I think this is one piece of evidence you have not heard, Mr. Chairman. I would like to call



a woman to give you the women's viewpoint.

THE CHAIRMAN: We shall be glad to hear the lady if she will come here at two o'clock.

MR. FURLONG: How long will the lady take?

MR. EDMISTON: Only a couple of minutes.

THE CHAIRMAN: Then call her.

MISS MARGUERITE SPIKESMAN, Sworn.

THE CHAIRMAN: Q. Proceed, please? A. I have not any idea as to what Mr. Edmiston would like me to speak about.

MR. EDMISTON: I would like you to give the ladies' viewpoint on the collective bargaining bill.

WITNESS: Until two weeks ago I was employed at the Welland Chemical Works in Niagara Falls, which comes under the management of the North American Cyanamid Company. There are a great many women employed in that company who are not only working in a vital war industry, but are doing their own housework as well. The men go out and do their day's work and come home and sit down and read the newspaper, but the women go out and work eight hours a day at hard work in that plant, and also manage their homes. A great percentage of these women are soldiers' wives, and they firmly believe that this collective bargaining bill should be enacted as soon as possible. There is a definite majority of the women who are building up a home front here just as much as the men who are fighting overseas, and they want to make sure that when their men come back they are not going to be thrown on the streets unemployed but that work will be available



at decent wages and under decent living conditions. That is the thing that is uppermost in the minds of the women right now, Mr. Chairman, building for their husbands' and children's future, and I sincerely believe, as do all these women, that by the enactment of this collective bargaining bill you will give them a weapon which will ensure them a safe and sound future. I thank you for being so patient.  
---Witness withdrew. (prolonged applause)

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MR. FURLONG: May I ask that this committee proceed right through this afternoon, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. FURLONG: If you have to go into the House the vice-chairman can preside.

THE CHAIRMAN: Yes.

MR. FURLONG: Otherwise we may not get through with our agenda.

THE CHAIRMAN: Very well. The committee will adjourn until two o'clock this afternoon.

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---Whereupon the committee adjourned at 1.00 o'clock p.m. until 2.00 o'clock p.m.

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(Page 725 follows)



WEDNESDAY, MARCH 10, 1943.  
AFTERNOON SESSION.

---On resuming at 2.00 p.m.

THE CHAIRMAN: Gentlemen, you will please come to order.

What is the business for this afternoon, Mr. Furlong?

MR. FURLONG: Mr. Charles Cox is not yet here. He is appearing and I understand coming up this afternoon.

MR. MAGNUSSON: I am here, sir.

THE CHAIRMAN: Have you a brief?

MR. MAGNUSSON: Yes, sir.

MR. FURLONG: Would you like to go on now?

MR. MAGNUSSON: Well, you see, there is a delegation of four here. I think Mr. Cox is coming down from the hotel in a few minutes.

MR. MACKAY: Mr. Magnusson could present his brief.

THE CHAIRMAN: Yes. He has a brief. The four delegates cannot talk at the one time.

MR. FURLONG: If he desires to wait there is another representation supposed to be here, namely, the Tapmen and Waiters Union. Are they represented? Apparently they are not, so we will have to go on with Mr. Magnusson.

THE CHAIRMAN: Very well.

MR. FURLONG: Mr. Chairman, before hearing from Mr. Magnusson I would like to present as Exhibit No. 95 a petition.



---EXHIBIT NO. 95: Petition.

Next, is Exhibit No. 96, a communication from W. R. Knight, Financial Secretary, Amalgamated Association of Street and Electric Railway Employees of America directed to the Hon. Peter Heenan, Minister of Labour, dated March 4th, 1943, enclosing a resolution forwarded to the Hon. G. D. Conant, Premier.

---EXHIBIT NO. 96: Letter, W. R. Knight to Hon. Peter Heenan, Minister of Labour, dated March 4th, 1943, and resolution.

Next, is Exhibit No. 97, a resolution of the London and District Hospital Employees Federal Union Local 85, dated February 10th, 1943.

---EXHIBIT NO. 97: Resolution, London and District Hospital Employees Federal Union Local 85, dated February 10th, 1943.

Next, a communication from the Federal Local No. 85 of the Employees of Dennisteel Corporation, dated London, March 6th, 1943.

---EXHIBIT NO. 98: Letter, Federal Local No. 83, Employees of Dennisteel Corporation, dated March 6th, 1943.

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TRADES AND LABOUR COUNCIL OF PORT ARTHUR.

B. A. H. MAGNUSSON, (sworn),  
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EXAMINED BY MR. FURLONG:

Q. I understand, Mr. Magnusson, you live in Port Arthur?      A. That is correct.

Q. What organization do you represent?

A. I represent the Trades and Labour Council of Port Arthur.

Q. Do you hold office in that organization?      "



B. A.H.Magnusson,

A. Yes. I am the secretary of the present labour council.

Q. That is, the A.F.of L.? A. Yes.

Q. Very well. You might proceed with your statement. A. I might say at the outset, gentlemen, our submission will be very brief owing to the fact we were here the other day and concurred, of course, in the brief submitted on behalf of the Trades & Labour Congress of Canada.

"Our delegation from North-Western Ontario has come over 700 miles to appear before this Select Committee of the Ontario Legislature. Our Lakehead cities of Fort William and Port Arthur are well established industrial communities which at this time produce large quantities of war materials, such as ammunition, ships, airplanes, pulp and paper, etc. Thousands of workers are also employed in shipping and railroad transportation.

The working people in that part of the province whom we represent, are organized up to well over 60%. The percentage would be much higher if not for the fact that the metal miners in our district have no trade union organization as yet.

Our delegation is authorized directly and by proxy to represent all of these organized workers.

To be more specific, we speak for approximately 12,500 workers organized into 96 local unions.

These local unions are in turn affiliated in four central bodies, known as Trades and Labour Councils



of Port Arthur, Fort William, Kenora and Fort Frances. All of those unions are affiliates of the Trades and Labour Congress of Canada through their respective international unions which also are members of the American Federation of Labor.

While we have gone a long way to bring about organization and collective bargaining to protect and advance the interests of labor, and at the same time have brought about industrial relations beneficial to the community as a whole, it has to be stated at this time that our progress has not been a simple one and without difficulties. Many severe obstacles have had to be met and overcome, and yet many more remain to be solved. The problem of maintaining orderly, organized and harmonious industrial relationships for ever expanding production is now more imperative than ever. It is here that a constructive, fearless, definite and practical labour policy on the part of our Governments can play an enormously helpful role. That something has been lacking in this regard is obvious.

As Premier G. D. Conant of Ontario stated in his speech before the annual meeting of the Kingston Chamber of Commerce on January 29th of this year: 'A brief survey of the facts discloses very clearly that since the outbreak of war there has been something fundamentally wrong with our labour policy and practices in Canada. If there had been



recognition of Labour as a partner with industry and Government in our war production program, most of our difficulties would have been avoided.'

Legislation in the matter of collective bargaining has been suggested for Ontario and the question is now being studied by this Committee. It gives us great hope and confidence to think that at long last something is about to be done to help further industrial democracy. This is a matter of great consequence not only for the most successful prosecution of this war until victory is won, but also for future progress in the peace that will follow.

The experiences we have had in our part of Ontario have made us realize fully the importance of the problem we are now discussing. That is the reason we have come here to give our support in the clearest possible way to the submissions made here in favour of legislation guaranteeing to labour the rights of organization and collective bargaining.

We are in complete accord with the representations made here on behalf of the Trades and Labour Congress of Canada. In our opinion that submission covered all main points which we have had in mind and make it unnecessary for us to deal at any length with the details of the question before us.

There are, however, a few points which may be of interest to the Committee here in considering the problem of organization and collective bargaining as it affects peaceful industrial relations. Contrary



to the submissions of the Canadian Manufacturers' Association, our experience in North-Western Ontario has been that wherever trade union organization is well established, it has been a guarantee of continued production. For example, there has been trade union organization in the pulp and paper mills for some 25 years, during which time there have been no strikes and all grievances have been peacefully adjusted through procedures developed through collective bargaining relations.

On the other hand, and as a contrast, we are experiencing opposition to collective bargaining where we have had the majority position of a union established by secret ballot taken under the supervision of the Dominion Department of Labour. Such situations in which employers promote industrial unrest point up and emphasize the need for legislation compelling collective bargaining.

We are fortified in our request for collective bargaining legislation by the public sentiment of the communities from which we come. The city councils of Port Arthur and Fort William have passed resolutions endorsing the value of compulsory collective bargaining. The trade unions in those areas have proved themselves an asset in stabilizing industrial relations to the advantage of the community, and as a result have earned the respect and enlisted the support of the Lakehead public."

Q. Mr. Magnusson, the Trades and Labour Congress



of Canada filed a brief of considerable length covering every point they would like to be considered in a bill which may be passed by the legislature and, I take it, you are heartily in accord with that?     A.     That is correct, sir.

Q.   And you do not wish to add anything to it?

A.   No.

Q.   Is there anybody else you have here you would like to have heard?     A.   Well, I see, sir, the rest of our delegation is here now. Perhaps they would have something to submit in addition to this.

MR. FURLONG:   Mr. Cox expected to be here to introduce this committee.   In the absence of Mr. Cox I am wondering if Mr. Magnusson would care to introduce them.

THE WITNESS:   We were here the other day and I think the delegation was introduced at that time.

First, we have Clare Mapledoram from Local 39, Pulp and Sulphide Workers Union; Harold Turner, from Local 719, International Association of Machinists, Aircraft Workers of Fort William, and John Currie from the Fort William Trades and Labour Council which he represents directly here, also a member of Local 39, International Brotherhood of Pulp and Sulphide Workers of Fort William.

THE CHAIRMAN:   Q.   Do the representatives of Port Arthur and Fort William get along amicably?

A.   Yes, without difficulty.

Q.   Do any of those gentlemen desire to make any representations to the committee?     A.   There is one



thing I would like to say.

There was some considerable discussion on the question of company union and it has been said that company unions are organizations which are influenced by or financed by, and in other ways coerced by employers. I think here we should consider that an independent union might be very independent and democratically organized or otherwise, which is organized in an industry independent from any other industry and only employed by a single employer and only covering that establishment whether it be one or several establishments, might conceivably become a company union inasmuch as there is no other influence exerted on this organization other than that exerted by itself or to influence by the employer for which the employees are working. In this connection I would like to say while there has been much talk about outside influence and what is often called outside agitators in an organization such as ours, an international union with a broad, wide affiliation, I think such an organization represents a greater number of workers and has greater possibilities of remaining independent at all times and able to conduct its affairs in a very democratic fashion free from influence of employers under any circumstances.

It is a very difficult thing to prove the question of employer influence in an organization, but I might cite one example without mentioning any names in Port Arthur where three attempts were made in one industry to organize a union of the employees and to collect fees from those employees at the rate of 50¢ per month.



An agent was sent in presumably by somebody, whether it be the employers or some others, I do not know, to organize this union. The result of the mission was that out of 700 workers interviewed only one joined. The reason for that was we already had an established international union in the industry and the employees had no desire to belong to any other organization than that one. That might help the committee in some way as to determining the value of a bona fide organization which has wide affiliations and which in a democratic way decides its own destiny and what it is going to do about its own affairs.

That is all I wish to say, Mr. Chairman.

THE CHAIRMAN: Thank you very much, Mr. Magnusson.

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CLARE MAPLEDORAM, (sworn).

THE WITNESS: Mr. Chairman and gentlemen, I have not much to elaborate on Mr. Magnusson's brief. Of course, it is a brief dealing with North-Western Ontario, taking in all the international unions in that district.

I, myself, belong to Local 39, International Brotherhood of Pulp, Sulphide and Papermill Workers. We have a membership in our local of around 600 members. We take in also in the city of Port Arthur and in the city of Fort William two locals established in Port Arthur with approximately 600 workers and a mill in Fort William in which we have another 250 or 300 workers. We are one of the oldest international unions in that district and we have viewed with alarm the difficulties these younger unions are having in organizing. We have



not experienced them ourselves because over a period of years we have been well organized and well received by employers, especially in the paper industry, but we have noted that other employers do not view the unions in the same light as the paper employers do.

As I say, I would like to point out that especially in the woods operation you have a vital industry. Mr. Magnusson is secretary of the sawmill workers union. I would like to cite a case example of how unionism protects the manufacturer as well as it does the worker.

Here some two or three weeks ago I was called into conference by our mill manager and given to understand that through trouble with the sawmill workers or with the men working in the bush we were in very great danger of being shut down at Fort William, that our mill was likely to be shut down within four days if we could not supply wood. They were at a loss as to who should attempt to right the wrong which was going on in the woods operation. Mr. Magnusson is head of a local of sawmill workers which is recognized as a bargaining agency, but has not a union shop agreement with bush workers. In other words you have men working in the bush all over the country and you may not have the majority of the workers in that camp being non-union.

They were faced with the possibility of shutting down the Great Lakes mill. My manager called me into conference with him and asked me if there was something we could do for them as an international union.

Mr. Currie and myself contacted Mr. Magnusson in Port



Arthur, had an interview with him, and he told us the facts that it was not the sawmill workers, but the non-union men which was causing the trouble in the bush. After there was considerable talk with him he asked if there was anything we could do and he agreed to go up into the bush, see the manager and try to straighten it out. He did that with the consequent result that they speeded up the operation and we are now able to put wood into storage, pile it up.

This is a concrete example which indicates that union and management working together can do things. If the company had not had the men to contact in the organization they would have been lost, and I think within four days would have had a mill shut-down.

Mr. Magnusson is also in charge of the sawmill workers, which you know carry on an industry which is most vital. Since he has taken charge of the sawmill workers in that district and tried to organize them they have never had any serious strikes. There has never been a shut-down since the war started.

At the head of the lakes we are in an isolated district and the only reports we get about the legislation which is passed are what we get from reports which come out in the newspapers. We are vitally concerned with the matter and a hurried delegation was got together to come down here in order to interview this committee and see if we could not get a legislation which would protect us.

I do not think we can add any more to that.



MR. FURLONG: I see Mr. Charles Cox has just come into the room.

Mr. Cox, we took your committee under our wing and went ahead without you.

MR. CHARLES COX: Thank you very much. Have you met all of them?

MR. FURLONG: I think we have met all of them.

MR. COX: Mr. Currie, Mr. Mapledoram and Mr. Magnusson from Port Arthur represent a large number of men at the head of the lakes. We are very grateful you started to hear them before I arrived. We are very glad you have heard from our representatives.

MR. MAPLEDORAM: Mr. Chairman, would you listen to our international vice-president. I happened to contact him in Toronto since I came down here. He can give you some figures and statistics as to the number of unions we have in Ontario, how long we have been organized, and so on.

THE CHAIRMAN: I do not think figures as to the number of unions and how long you have been organized would make any difference. We would be glad to have any views presented to us as to the wisdom or lack of wisdom of a collective bargaining bill.

MR. MAPLEDORAM: I think he can give you something along those lines, too.

THE CHAIRMAN: Very well.

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S. A. STEPHENS, (sworn).

THE WITNESS: Mr. Chairman and gentlemen of the legislative committee, we are very much interested, of



course, in the announcements that the unions in the province of Ontario are not legal. We, as an international union, have built up a relationship with our employers in the pulp and paper industry over a period of thirty some odd years. We have what we term union agreements in the province of Ontario with all of the mills with the exception of one or two small plants. With all of these companies with which we have been doing business for a long period or a considerable number of years our relationship has been built up because our workers have joined these unions, have gone to the employers and negotiated agreements on a friendly basis, believing it was legal to do so. The bill which was presented by the Hon. Peter Heenan, we felt, would merit the making of our unions legal. If the decision was they were illegal we believe a bill should be brought forth making our unions legal.

I was very much interested in listening to one man this morning presenting evidence in favour of company unions. I have been a member of a union for thirty-two years continually and now I am an international vice-president, the third vice-president of the International Brotherhood of Pulp and Sulphide Paper Workers. I have worked my way up and I have seen the discontent which has grown from company unions over a period of years. Discontent creeps in where the unions are organized into legitimate organizations. It is very hard to handle people when they get into legitimate organizations after they have been in company unions and have been



browbeaten and led to believe they have no rights in this world whatsoever. We have from time totime tried to teach our people what democracy means. We are not only functioning as a labour organization or as labour organizations for the purpose of negotiating in respect of wages and working agreements; there are many other things, such as teaching them to become good citizens. That is certainly not done by leaders such as sub-foremen and so forth in the company unions with which I have had contact.

We have fifty local unions in the Dominion of Canada functioning without labour trouble anywhere in this country. We have made our contribution of over \$200,000 in war bonds and every local union connected with this international union has made its contribution as well. We try to teach our people to be patriotic. We certainly function on a proper basis. Members of this committee here know in the localities from which they come that the paper mills in particular have a record second to none in this country. We want nothing to destroy that relationship with our employers in one of the best industries in this country. We want that protected. If there are unfair employers of labour who will take advantage of that, or the Canadian Manufacturers Association, we strenuously object to it. We feel our position should be protected and the only way in which it can be protected is to make it legal. I maintain that for several reasons which have been brought out this morning by several witnesses that the



company unions certainly do not make for good citizenship of any man in the country because of the method by which they are formed, organized. I say that with thirty-two years' experience. I am a man born in this country and I travel through thirty-two states of the United States and from coast to coast in Canada and also Newfoundland. We are making our contribution all over this North-American continent. We are very proud of our record and if you wish anything further from our record as a legal organization you will be able to get it in Ottawa, Washington or in Newfoundland.

I say , in all fairness to the workers, in this country, particularly this province of Ontario which is a large industrial province, we are very proud of our achievements in this province. I am a resident of this province and I hope to be. I hope you will take into consideration our submission and give our people their just rights. Those unfair employers of labour who would take advantage of the workers to the extent of forming company unions certainly in my opinion have no place in an industrial province such as Ontario. We are very proud of our province, we are very proud of our achievements and we should keep it that way. I certainly believe that labour legislation protecting the workers in their organizations should be enacted.

I may say further there is no other industry in the Dominion of Canada which can boast of the same record as we in the pulp and paper industry.

Dealing with our relations, with our employers, regardless of wherever we go, I leave that to be vouched



for by the employers.

MR. ANDERSON: Q. Are all employees around paper mills members of your union? A. They are members of our union because we have clauses negotiated by mutual agreement which require membership after they are in for thirty days. Some are in fifteen and thirty days after employment. That is what we term a probationary period which gives the employer an opportunity to decide as to whether he wishes to keep a particular employee before the thirty days are up. If he wishes to dispense with his services he does so. Once he is there thirty days he automatically becomes a member of our union.

Q. Then you handle wood and yard workers?

A. We include yard workers, yes, inside and outside of the mill.

MR.HABEL: I think I have two locals of the pulp and sulphide workers in my riding, and I want to pay tribute to your union. My greatest hope would be that all unions in Ontario would work in the same way your union is working throughout my district anyway.

THE WITNESS: Thank you very much. May I have your name, please?

MR? HABEL: My name is "Habel", Cochrane North Riding.

THE CHAIRMAN: It speaks well of good influence on both sides.

THE WITNESS: Yes; and that is what we would like.

MR. ANDERSON: Speaking of the pulp and paper mills in my riding, I am sure I can say to you how



highly considered they are. That is, the local pulp and paper union in my riding.

THE WITNESS: I might say the Hon. Peter Heenan himself has knowledge of our unions, because he comes from some of the districts in which our unions are located as well.

THE CHAIRMAN: He is right in the middle of them.

THE WITNESS: That is right.

MR. FURLONG: Q. That agreement of yours is, in effect, a closed shop agreement after thirty days?

A. We call them union shop agreements.

Q. After a man has been hired thirty days he has to get in? A. Yes.

Q. Have you also the check-off? A. No, sir. We have not anywhere in the Dominion of Canada. As a matter of fact, we have never gone in to negotiate for check-offs, because of the fact that our agreements were negotiated on a mutual basis and require membership after thirty days. What we are interested in is to make these organizations legal and certainly we <sup>are</sup> bitterly opposed to company unions because we know what they make of the members after they come into a legal organization.

THE CHAIRMAN: Q. You do not wish to be outlawed?

A. No; but if I were in the same position I would be glad to be outlawed. I am saying that as a citizen of this country. I handle agreements in the United States still and I have never yet had anybody bothered with me in either of these countries, in the three countries.

MR. MAGNUSSON: I might say in addition to what I



said before that as far as our industry is concerned, since we became practically all organized from 1935 on we have had the most harmonious industrial relationship, I think, that has ever existed in any industry -- that is, the pulpwood industry at the head of the lakes, in north-western Ontario.

We have two more delegates. Mr. Currie is also an alderman of the city of Fort William. He might like to say something. Mr. Turner represents the Aircraft Workers in Fort William, which is a very important war industry and he might like to say something.

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JOHN CURRIE (sworn),  
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THE WITNESS: Mr. Chairman and gentlemen of the committee, this morning when a certain gentleman was testifying with respect to company unions he mentioned also how international or affiliated unions were organized and how these high-pressure men went into districts and put the heat on to organize them. As a member of the Trades and Labour Council of Fort William and a member of the Joint Organizing Committee of Port Arthur and Fort William, we manage to get along pretty well together. We left the bickering between the two cities to Charlie Cox and Mayor Ross, but now that Mayor Ross has left we are pretty well unanimous. I think we will have a labour mayor now, but we will have Mr. Cox working in pretty close conjunction with us. We work pretty closely together. With regard to the organizing, I have taken part in helping to organize



several plants up there and also in trying to help organization generally. I have never at any time received any money for that work. It has all been voluntary work. Men who are union members of established unions such as the pulp and sulphide and the lumbering and sawmill workers, and the machinists, are called in on this organization committee and asked to go out and interview the workers of the different plants. We call a meeting in the Trades and Labour Hall of these employees. We advertise it and pass on the word to them. They come down there, and we put up some arguments as to why they would be better off in a union affiliated with one or the other, either the A.F. of L. or the C.I.O. We happen to be A.F. of L. so we advertise the A.F. of L.

THE CHAIRMAN: Q. You mean, you are appealing to men who do not belong to any union?

A. That is right; to become organized.

You see, at one time we were not organized. We have gone all through the stages they mentioned this morning of trying to organize and of men being fired. Even in our own Great Lakes, when it was Brooke -- and Mr. Heenan will remember that, as he had to go up in 1929 -- quite a few men were fired up there.

Q. Because they had taken part in union activities?

A. Because they tried to organize. That is right. They were at that time receiving twenty-eight or twenty-nine cents an hour. We kept on and organized until finally we did get a union. Out of that we have built a good union, as Mr. Stephens has



told you, which has a very good reputation not only with the members of the community but with the paper manufacturers. We go out to these different people and speak to them in the hall and explain to them about the advantages which we think and we know from our own experience they will obtain through being members of international unions. We believe that finance is international and labour in order to protect itself must be international also. If we do not get a majority of those employees to come in to that union and organize then we have to stop. If we do have a majority of employees, which we have had on numerous occasions still we are blocked because all the employer will do will be to refuse to negotiate.

In 1933 I was a member of the Elevator Workers Union which was organized in Fort William and Port Arthur. We had over 70% of the membership of the workers in the elevators in the two towns and the Searle elevator which was organized in November started again. At that time there were approximately 65 men working there. We had 59 members from that elevator. Five out of those members were officers of the union. I was financial secretary and I was working there. In spite of the fact that we had that membership and wrote to Ottawa and wrote to the Minister of Labour of Ontario and asked for conciliation boards and everything else which went with it, we did not get it. The result was that in a year or so the union was gone, there was not any union in the Searle elevator at Fort William. Men had been



fired. It is a difficult thing to prove the facts about firing men. You know there are very few, even members of Parliament, who at one time could not be fired for not fully carrying out their duties. We all have a period in our lives when the boss can come along and catch us. It is a very hard thing to prove that an employer has fired a man for union activity. You cannot prove it because he can find so many other things for which he can fire you. Even the best workman at some time during the day may do something which leaves him wide open. The tendency was to discourage these unions from doing that. It has been carried out not only in Canada but in the United States. By passing this bill in respect of collective bargaining it will eliminate to a great extent a lot of the grievances, a lot of the trouble and a lot of the intimidation which goes on to-day.

I noticed in the Globe and Mail issue of March 3rd Mr. Heenan's thirteen points. I do not wish to deal with the whole thirteen. I think he has dealt with them pretty fully.

Q. You know what happened to the fourteen points.

A. You have No. 5:

"5. Some legislative pronouncement or enactment seems necessary in order to make it clear to certain employers that they must negotiate and bargain with whatever representatives their employees have selected to act for them."

You know, when you sit down with the employer, when



you are allowed to sit down with them, you find out after all they are human in many cases and, in many cases, they find out you are human, too. Once you get them sitting down many of the difficulties can be ironed out. The trouble is to get them to sit down. With respect to the Searle elevator business the youngest member of the firm, young Mr. Searle, the general manager, was quite willing to do so, but there were many below him, again, who were not. Naturally that tends to influence his decisions. Once you get them around the table, and you bring up these different points, instead of an insurmountable barrier to an agreement you find it is merely a mole-hill and you overcome it.

The old story of contact? A. That is right; personal contact, not letters or anything else. You should make them sit down. We have to sit down and do things which we do not want to do lots of times. They should be made to sit down and give their employees the consideration of putting the case up to them, anyway.

Then, dealing with point No. 8:

"8. There are other practices in industry incidental to collective bargaining which should be prohibited. I mention a few as follows --

(a) An employer should not be allowed to discharge or discriminate against employees who have joined a union or who have requested collective bargaining.

(b) An employer should not be allowed to influence his employees in their choice of their



bargaining representatives, and should not be allowed to set up company unions or establish plant councils unless they are requested by the employees, and chosen by them in a bona fide way."

I do not need to read sub-paragraph (c). It is all very well for the gentleman who addressed the committee this morning to talk about what they have gained. Certainly, if you have a district where you have a certain amount of organization and you have possibly a larger or maybe a smaller percentage of that industry which is not organized, unionization tends to bring up their living standard, their wages and everything else. On top of that some employers will give bonuses to keep their men out of unions. Speaking of the danger of those men being organized in legitimate unions, not in illegitimate unions as a gentleman almost said this morning, when that danger is over they take away as many of those advantages as they possibly can. That gentleman mentioned recreation halls. We have an athletic club at the Great Lakes Paper Mill to which about 90% of the employees contribute. It was formed in 1936 with the full consent of the unions, the paper workers, the pulp and sulphide and the steam and operating engineers. Those three groups were selected by the company and their representatives were sent to the meeting, not picked by the company, but elected at their various meetings. We talked it over. The company was going to put in fifty cents for every dollar we put in to this athletic association. Now they put



in one dollar for all we have put in. We take care of our men who are in the armed forces overseas, and we send them parcels through the athletic fund. The fact is that organization is a voluntary association of the union and the members of the union with those office workers and so on who are not eligible to belong to unions, in an athletic association.

We meet not on the company property but downtown at the Elk's Hall or wherever it is suitable to meet, and we draw up our plans there. These things, if they are operated by the company entirely in which the workingman does not have to pay anything for them and has no say in them, cannot be operated democratically. They tend to become supervised and controlled by the government just the same as a company union. No matter how well intentioned the men may be who are the leaders of the company union they must at some time come under influence and they cannot do anything about it.

I want to thank you, gentlemen, for allowing this delegation from the lakehead to be presented here by Mr. Cox. There is no doubt in my mind that you are going to pass the bill. The only thing I desire to make sure of is that you do not pass a bill which will be detrimental to labour. If you outlaw these company unions where they are not bona fide and give the employees the privilege of sitting down with their employers and talking it over and compelling the employers to do that you will have eliminated a good deal of the strife obtaining in labour to-day.

Thank you. Are there any questions?



THE CHAIRMAN: Apparently not.

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HAROLD TURNER, (sworn).

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THE WITNESS: Aircraft Lodge 719, Fort William, Ontario, and I represent the aircraft builders at the head of the lakes.

While I do not believe there is very much I can add to the briefs of the Trades and Labour Congress, as presented by Mr. Magnusson, from our delegation, I want to cite our own case in order to emphasize the need of compulsory collective bargaining. We have in the plant employed about 4,300 members and have a little over 3,000 in our union.

THE CHAIRMAN: Q. What plant? A. In the aircraft plant at Fort William, the Canadian Car and Foundry. We build the Hawker Hurricanes and are at present tooling up for the new Curtis Helldiver. There is a great amount of unrest at the present time in our plant, mostly because of the redistribution of work in the tooling up, which is not quite complete as yet. As a result perhaps management claims lack of work. There is indecision and perhaps some dissatisfaction among the employees. However, here the need for compulsory collective bargaining will show itself. Our name has been in the papers lately because we had to have a mediator up there. Although we have an agreement which was only signed about two and a half months ago, there has been a little dissatisfaction, and it is mainly because of lack of tact. That shows you now the need for compulsory collective bargaining.



The management has never refused to sit and discuss cases. When a committee met we met them and presented our brief, or our subject matter, and the attitude of the manager was very high-handed. He said, "This is out", "That is out", and "The other is out." The committee, not being used to the manager, when it got back to the union, said, "Everything is out." Had it been a case of compulsory bargaining, all the members of the plant would have known the manager could not have said "That is out and this is out", and so on, because the committee could have said "You must sit down and discuss the matter and after you can say it is out."

I think other than the point of voting there is nothing to bring up. Our agreement should have been signed on October 8. However, it was not signed until January. Before the vote was taken---

Q. You would not expect the legislature to endow any of these recalcitrant employers with tact?

A. Oh, they have that, but they do not always. When it came to a vote we did our propagandizing for four days. That is, we gave a statement of what we were and of what we were not to gain. We laid the matter for four days before our members in the plant, itself. There has never been any objection to it by our management. Before we took our vote we allowed the management time enough to see what we were putting out as propaganda, and if they wished to make any statement to the contrary it was their right to do so. Mind you, our management makes us fight for everything.

We took our vote in twenty-four hours, which proves



that any plant which has maybe 5,000 workers does not require a week and a half to take a vote. It is merely a matter of putting your subject before them and they can make their decision.

I do not believe there is anything else I can add unless there are some questions I can answer.

MR. COX: I wish to express my sincere thanks to the committee for hearing us. I am indeed very much obliged. That is the last to be presented by the delegation from the head of the lakes.

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MR. FURLONG: The next business on the list is the presentation of the Builders Exchange and Construction Association of Toronto, the Ontario General Contractors Association and the Canadian Construction Association, all of whom are represented by Mr. Nicolle, I believe.

MR. MACKAY: Is Mr. Nicolle going to speak on behalf of the three interests?

MR. FURLONG: Yes.

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BUILDERS EXCHANGE & CONSTRUCTION ASSOCIATION OF TORONTO,  
and ONTARIO GENERAL CONTRACTORS ASSOCIATION.

H. C. NICOLLE, (sworn),  
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EXAMINED BY MR. FURLONG:

Q. Mr. Nicolle, where do you live? A. In Toronto.

Q. What position do you hold having regard to the three associations referred to? A. I am the president of the Builders Exchange & Construction Association of Toronto and immediate past president of the Ontario



General Contractors Association. While I am the vice-president of the C.C.A., which is the Canadian Construction Association, I do not wish to speak on their behalf to-day, so you will kindly delete that.

Q. Tell us something about each one of these associations. Are they voluntary associations?

A. Yes, indeed. They are associations of employers.

Q. Construction employers? A. Construction employers -- mostly general contractors, of course -- to which also belong the sub-trades such as the plasterers, the plumbers, the steamfitters, the electricians, and also the supply houses.

Q. Very well. You might proceed with your brief.

A. Mr. Chairman and gentlemen, I want to thank you first for the privilege of presenting this brief and also to congratulate you on your display of patience which I have particularly noticed here to-day. With your permission I will carry on.

"Select Committee,  
Collective Bargaining,  
Parliament Buildings,  
TORONTO, Ont.

BRIEF ON 'COLLECTIVE BARGAINING' - from THE BUILDERS EXCHANGE AND CONSTRUCTION ASSOCIATION, and the ONTARIO GENERAL CONTRACTORS ASSOCIATION

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We, in the Construction Industry, having enjoyed the benefits of Collective Bargaining for many many years, have no hesitancy now in commending your action in endeavouring to make such legislation compulsory in Ontario. This lack of compulsion has been the greatest difficulty we have



experienced, and so take this opportunity of enumerating our ideas concerning the type of legislation we consider preferable.

For instance - On the 14th September, 1942, the Regional War Labour Board for Quebec issued an Order, awarding a bonus of 5¢ per hour to the employees in the building and engineering construction industry of the District of Montreal, which Order is mandatory on every employer in the industry in that district.

You will, we feel sure, realize that this differs very considerably from the bonus regulations of the Regional War Labour Board of Ontario, where the bonus as awarded varied and are permissive and only payable by those employers who feel that they cannot avoid obeying the Order.

Probably the most important difference between the two Provinces is in the labour legislation affecting each Province, namely,-- Collective Labour Agreements Act of Quebec and the Industrial Standards Act of Ontario. As it is now your desire to discuss labour legislation, we seriously recommend your consideration of amending the Industrial Standards Act to give the employers and employees of this Province the benefits which Quebec enjoys at the present time. The Collective Labour Agreements Act has been in force in Quebec for about 8 years, and at the present time has the enthusiastic support of both employers and employees as a very desirable legislation.



When Mr. Roebuck, Minister of Labour, drafted the Industrial Standards Act, he promised the employers and employees of this Province a better Act than Quebec, but unfortunately as you are well aware, the Industrial Standards Act has been a complete failure in the construction industry, whereas the Collective Labour Agreements Act in Quebec has had a continuous successful administration.

It may not be necessary for us to point out the difference between the two Acts, but for the purpose of record, we would like to briefly emphasize the important features:

1. The Quebec Act deals with a group or a large number of rates of wages for the different types of men employed in the industry in one schedule, rather than an individual schedule for each trade classification or craft.
2. The Quebec Act is administered by a Joint Board of employers and employees of the industry concerned, who naturally assume responsibility for its successful administration, whereas the Ontario Act was administered by the Department of Labour.
3. The Quebec Act provides for a small assessment or fee to be paid by each employer and employee per month, which provided a very close check on those



engaged in the industry, and the sum collected was spent in engaging a sufficient number of accountants and inspectors to insure that the regulations were strictly obeyed.

4. The Quebec Act provides for a certificate of competency for each employee, which is a safeguard to the employer that he is not employing a man other than the certificate certifies as to his qualifications or trade. Whereas, in Ontario, we feel sure you will realize that any person can buy a hammer and saw and call themselves a carpenter.
5. In Quebec, under the group system, every class of employee in that trade has a fair and reasonable chance to obtain a proper rate of remuneration. When the schedule is arranged at the Annual Negotiations Meeting and when increases are granted, they usually go all down the list of 20 or 30 trade classifications. Whereas, in Ontario, each trade, represented by its own group of Union representatives and Associations, haggles and fights over wage rates for weeks, with the result of unfairness and disproportion. (For instance, - Common Labourers in Toronto, who did not receive any increase for 7 years.)

We are drawing this to your attention at this time, in the hope that some consideration will be



given to not only the present, but the future relationships between employer and employee and particularly in the construction industry. Present indications are that there will be a considerable drop in the volume of construction from now until the war is won, but with the demand for housing and other building, there is bound to be a large volume of work undertaken immediately after. During such depression and boom periods, regulation of wages is a difficult matter, unless suitable legislation is available for the control of the employer and the employee, who take advantage of such periods, and wages have a tendency to be extremely high or extremely low.

Moreover, in view of the lack of apprentices and the improbability of skilled mechanics being received either from the United States or Europe, we will face a position which will require very careful preparation, if we are to avoid the dangers which happened between 1928 and 1938.

It is our wish, therefore to respectfully suggest that the Industrial Standards Act of Ontario, be amended to adequately take care of the industrial conditions of 1943 and the post war period, and we are of the opinion that such amendments or legislation could most readily be introduced at this time when wages are regulated



and governed by wartime regulations and are generally recognized even by unfair employers who would be the first to take advantage of economic conditions and starvation rates."

Q. You may be dealing with some things here beyond the scope and the power of this committee. This committee is authorized to investigate collective bargaining. I notice by this brief of yours you have no objection to collective bargaining. In fact, you support collective bargaining very strongly?

A. Very strongly, yes, sir.

Q. And that is the one thing with which this committee has to deal. So far as collective bargaining is concerned, collective bargaining is for the purpose of the employer and the employee sitting about a table and negotiating an agreement as to not only wages but working conditions, hours and so on, by negotiation rather than by compulsion. That is, having regard to wages. The only thing compulsory bargaining, or compulsory collective bargaining brings about forcibly is the sitting around the table to negotiate, to discuss problems between each other. So, while I do not know what the idea of the committee would be, from a legal standpoint, I do not think the authorization is wide enough to go into some of the things you suggest here.

MR. MACKAY: Being in the construction game, myself, Mr. Nicolle, I appreciate the attitude you have taken, together with your associations, in presenting your brief.



I am glad to say, and I agree with you, that the construction game over a good many years has had a collective bargaining form by which people sit down together and negotiate their wages and conditions from time to time, practically every spring.

May I suggest, Mr. Nicolle, your point is well taken under the Industrial Standards Act. I know from experience with groups in Hamilton it is most effective. When the boys get fixed up and adjusted under it they do not know whether they get anything or something. There are no teeth in it and it is not satisfactory. It is true, as Mr. Furlong says, we are here investigating matters pertaining to labour, but might I suggest to you that you get a good, strong committee and present your case before the Minister of Labour. I am sure he will give you a ready ear and will help you and assist you over your difficulties in respect of that particular act. I know it is wrong, and I know it should be remedied.

MR. FURLONG: The Minister just spoke to me now and says he agrees with Mr. Nicolle that the act should be changed. There is plenty of room for improvement, and I think Mr. Mackay's suggestion would be a good one for you to follow.

THE WITNESS: Thank you. Might I just state that while it does deal with some things which might not be relevant at this date with respect to this subject, there are certain suggestions which may give you a lead when you are dealing with the legislation. We have no chip on our shoulder except that we want to



see it remedied.

MR. HABEL: I would like to ask if that union is registered in Quebec.

Q. Are you registered in Quebec? A. There is a Quebec Act here. I have one with me.

THE CHAIRMAN: I am glad you mentioned it. I asked Mr. Mosher about Ontario not having a collective bargaining law and if the collective bargaining law in other provinces was satisfactory and he said, No, that he wanted the Ontario law to be away ahead and better. He has not given us details of the improvements yet, but he may later. Have you any Ontario statute which may answer all the difficulties? A. No, but I think it is worth while that strong committees on either side should be formed. In fact, our view is that as far as our side is concerned we will be glad to meet, if you wish, with anyone you have in mind for the betterment of all.

THE CHAIRMAN: What helps one helps all, and what hurts one hurts all.

Thank you, Mr. Nicolle.

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MR. FURLONG: If the Tapmen and Waiters Protection Union is not here, Mr. Chairman, I am afraid we will have to adjourn because they are the last on the list. I would like to ask the committee one thing before it leaves, though. If we have trouble getting finished to-morrow is there any chance of this committee sitting a little later?



THE CHAIRMAN: To-morrow after 4 o'clock?

MR. FURLONG: Yes.

THE CHAIRMAN: Surely.

MR. FURLONG: On Monday, will the committee sit at 11.30 a.m.?

MR. HABEL: Why waste all day Friday?

MR. FURLONG: There is one person who desires to be here for half an hour on Monday morning.

MR. HABEL: We could sit on Friday.

MR. FURLONG: I do not think I can get Mr. Burn here on Friday. On Monday, March 15th, the Niagara Industrial Relations Institute will take three hours.

THE CHAIRMAN: On Monday?

MR. FURLONG: Yes.

THE CHAIRMAN: We might as well start at 11 o'clock. Mr. Oliver says he cannot be here then but we will go ahead and he can join us.

MR. FURLONG: It was my thought if we started at 11.30 we could finish with a certain gentleman from Hamilton, and we could start in the afternoon with the Industrials Relations Institute. I do not think the Sawyer-Massey Association of Hamilton will show up to-morrow.

THE CHAIRMAN: I think we had better start at the regular hour of 11 o'clock and go on until 1 p.m.

MR. FURLONG: Yes.

THE CHAIRMAN: Very well; we will now adjourn until to-morrow morning at 11 o'clock.

MR. FURLONG: Will the committee be good enough to sit on Tuesday evening in order to hear the



International Association of Machinists?

THE CHAIRMAN: Yes.

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---Whereupon on the direction of the Chairman, this committee adjourned at 3.10 p.m. until 11.00 a.m., Thursday, March 11th, 1943.

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THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

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Proceedings of Select Committee  
regarding Collective Bargaining  
between Employers and Employees.

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EIGHTH DAY  
MARCH 11, 1943

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INDEX TO CONTENTS

Communications .....	763
Submission by the Rev. F.A.Sayles on behalf of organized labour and citizens of Welland.....	771
Submission by the Rev. H. G. Forster, D.D. on behalf of the Presbytery of the United Church in Canada .....	798
Submission by Clifford Brunett on behalf of independent organizations of employees of Kirkland Lake and District gold mines	805
Submission by James Preston on behalf of Furniture Manufacturers' Association...	837
Submission by R. J. Smith on behalf of Packinghouse Worjers Organizing Committee.	865
General submission by Edward James Young,	880

---



LIST OF WITNESSES

Sayles, Rev. F. A. ....	770
	789
	802
Christopher, John .....	787
Curran, Thomas .....	792
Forster, Rev. H.G. ....	798
Brunett, Clifford .....	804
	814
Graham, Archie .....	808
Mikituk, John .....	821
Preston, James, .....	836
Sedgewick, Miss Margaret, .....	864
Smith, R. J., .....	865
Harper, James, .....	877
Young, Edward James, ..	880
Walker, Floyd, .....	899

---



## LIST OF EXHIBITS

No. 99	Letter dated Kitchener, March 8, 1943, from A.W. Johnson, Secretary of the Ontario Provincial Conference of the International Union of Bricklayers, Masons and Plasterers of America, to Premier Conant.....	763
100	C.P. telegram dated March 10, 1943, from J.T. More, Secretary, Local 598 S.M.M.S. W.U. to James Clark, Esq. Chairman, Select Committee on Collective Bargaining.....	765
101	Letter dated March 9, 1943, from D.M. Peart, Clerk-treasurer, Corporation of Port Colborne to Premier Conant.....	766
102	Letter dated March 9, 1943, from W.M. Foreman, Clerk-treasurer, Corporation of the city of Chatham to Premier Conant..	767
103	Petition to the Ontario Government bearing receipt stamp date "March 10, 1943 for the enactment of a provincial labour bill, endorsed by membership of Social Progressive Club of the Spirella Company Ltd.....	769
104	Affidavit of Rev. Fern A. Sayles, sworn on the 9th March, 1943.....	772
105	Undated petition to Ontario Government for the speedy enactment of labour bill...	772
106	Several newspaper advertisements re C.I.O.	774
107	Affidavit of Joe Horas, sworn on the 2nd March, 1943.....	776
108	Affidavit of Paul Horas, sworn on the 2nd March, 1943.....	776
109	Affidavit of Joe Horas, sworn on the 2nd March, 1943.....	777
110	Affidavit of D.G. Cowan, sworn on the 10th March, 1943.....	778
111	Affidavit of Thomas Curran, sworn on the 2nd March, 1943.....	780
112	Affidavit of John Christopher, sworn on the 9th March, 1943.....	781
113	Affidavit of Margaret Gulas, sworn on the 9th March, 1943.....	782



No.114	Affidavit of John Christopher, sworn on the 10th March, 1943.....	783
115	Bundle of newspaper advertisements re C.I.O. &c.....	784
116	Collective agreement between Lake Shore Mines Ltd. and Lake Shore Workmen's Council, dated December 9, 1942, re- placing agreement of March 16, 1942....	810
117	Agreement and Constitution of Employ- ees' Council of Wright-Hargreaves Mines Limited, dated November 27, 1942..	811
118	Agreement and Constitution of Sylva- nite Employees' Association, dated December 30, 1942.....	811
119	Wright-Hargreaves Mines Limited: Employees' Medical Aid Plan.....	811
120	Wright-Hargreaves Mines Limited Employees' Medical Committee.....	811
121	Lake Shore Mines Employees' Sick- ness and Accident Benefit Plan and Employees' Pension Plan.....	811
122	Envelope marked "Kerr-Addison Gold Mines Limited" containing material re group insurance, etc.....	811



THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M.P.P. Chairman.	Windsor-Sandwich Riding
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J. A. A. Habel, M.P.P.	Cochrane North Riding
Mr. H. L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F. R. Oliver, M.P.P.	Grey South Riding
Mr. J. P. Mackay, M.P.P.	Hamilton East Riding
Mr. T. P. Murray, M.P.P.	Renfrew South Riding

EIGHTH DAY

In Committee Room No. 1  
Parliament Buildings  
Toronto

Thursday, March 11, 1943 at 11.00 a.m.

PRESENT: The Chairman and all the members of the Committee above named.

---Mr. W. H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J. B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D. W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).



- Mr. F.A. Brewin, Counsel for the United Steel Workers of America.
- Mr. J.A. Sullivan, vice-president of the Trades and Labour Congress of Canada, A.F. of L.) and president of the Canadian Seamen's Union.
- Rev. Fern A. Sayles, 387 River Road, Welland, representing a group of union members and citizens of Welland.
- Rev. Harvey G. Forster, D.D., representing the Presbytery of Niagara, United Church of Canada.
- Mr. Clifford Brunett, representing Wright-Hargreaves employees' council.

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MORNING SESSION

THE CHAIRMAN: The committee will please come to order.

Mr. Furlong, what is the first order of business this morning?

MR. FURLONG: I have some further communications in favour of the passing of the bill, Mr. Chairman, from

Ontario Provincial Conference of the Bricklayers' Masons' and Plasterers' International Union.

J. T. More, Secretary, Local 598, S.M.M.S.W.U.

Corporation of Port Colborne.

Corporation of the City of Chatham.

Social Progressive Club of the Spirella Company Limited:

- EXHIBIT NO. 99: Letter dated Kitchener, March 8, 1943, from A.W. Johnson, Secretary of the Ontario Provincial Conference of the International Union of Bricklayers, Masons and Plasterers of America, to Premier Conant:



"Kitchener, March 8, 1943.

"The Honorable Mr. Conant,  
Prime Minister of Ontario,  
Parliament Bldgs.,  
Toronto, Ont.

"Dear Sir:

"At the recent Convention of the Ontario Provincial Conference of the Bricklayers, Masons, and Plasterers, of the International Union of America, held in the City of Kitchener February 20, 1943, I was instructed to forward the following petition to your Government.

"That this Convention convey to Prime Minister Conant and his Government, our disappointment of their action in not bringing down to the Legislature, the collective bargaining Bill, that was expected by the people of the Province of Ontario.

"We view with alarm the opposition by the members of the Government, and members of the Legislature, and think this Bill should have been brought forward.

"It would have been of great help to the men and women workers of this Province, and we feel that there will be nothing left after the matter has been dealt with by the Committee appointed, and we petition Premier Conant to proceed with the contents of the Bill that was expected by the people at this session.

"Yours respectfully,

(sgd) "A.W. Johnson,

"Secretary of the Ontario Provincial Conference  
of the International Union of Bricklayers,  
Masons, and Plasterers of America.

24 Mill Street, Kitchener, Ont."



---EXHIBIT NO. 100: C.P. telegram dated March 10, 1943,  
 from J.T. More, Secretary, Local  
 598 S.M.M.S.W.U. to James Clark, Esq.  
 Chairman, Select Committee on  
 Collective Bargaining:-

"Sudbury Ont Mar 10 1943

"Chairman James Clark,  
 Select Committee on Collective Bargaining,  
 Queens Park  
 Toronto Ont

"The following resolution was unanimously adopted at  
 two membership meetings of local five nine eight  
 Sudbury Mine Mill and Smelter Workers Union today stop  
 Whereas the Workers of Sudbury are Organizing into a  
 union of their own choice local five nine eight Sud-  
 bury Mine Mill and Smelter Workers Union and whereas  
 the employer of most of these workers has initiated  
 a company union to coerce their employees and prevent  
 them from joining and participating in their union in  
 the nickel industry and whereas such anti labour  
 tactics imply that the company intends to refuse and  
 resist the efforts of their employees to bargain  
 collectively through the union of their choice and  
 whereas the select committee on collective bargaining  
 did on March ninth hear representations from an individ-  
 ual or individuals from Sudbury who were not elected  
 by and did not represent the workers in the nickel  
 industry in the Sudbury district stop Therefore be  
 it resolved that this membership meeting of local  
 five nine eight Sudbury mine mill and Smelter workers  
 union elect a committee to consist of miners and  
 smelter workers and to be the union stewards of local  
 five nine eight to state our case to the select com-



mittee of the legislature and whereas the sending of these delegates to Toronto would curtail essential nickel production be it further resolved that the select committee of the legislature be invited to come to Sudbury at its earliest convenience in order that these delegates may have an opportunity to inform the committee of the views of Sudbury workers regarding labor legislation. And be it finally resolved that this resolution be sent immediately to the Ontario legislatures select committee on collective bargaining with the request that they give this serious consideration and an answer as soon as possible stop Letter follows.

12 Lisgar St North

"J. T. More,  
"Secy., Local 598 SMMSWU."

---EXHIBIT NO. 101: Letter dated March 9, 1943, from D.M. Peart, Clerk-treasurer, Corporation of Port Colborne to Premier Conant:

"March 9, 1943.

"Dear Sir:

"This is to advise you that at the Council meeting for the Town of Port Colborne held last night the following resolution was unanimously adopted:

"Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

"Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes



in wartime; and

"Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

"Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government.'

"Would you please see that this receives your immediate consideration and that it is also placed before the Board which is now sitting to consider the drafting of a Collective Bargaining Bill for the Province of Ontario.

"Yours very truly,  
(sgd) "D.M.Peart,  
"Clerk-treasurer."

---EXHIBIT NO. 102: Letter dated March 9, 1943, from W.M.Foreman, Clerk-treasurer, Corporation of the city of Chatham to Premier Conant:

"March 9, 1943.

"Hon.Gordon Conant,  
Prime Minister of Ontario,  
Parliament Buildings,  
Toronto, Ontario.



"Dear Mr. Prime Minister:

"The following resolution of the City of Toronto was heartily endorsed by the Council of the Corporation of the City of Chatham at their last regular meeting held March 8th, 1943:

"'Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

"'Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in war-time; and

"'Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

"'Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government.'



"Yours truly,  
 (sgd) "W.M.Foreman,  
 "Clerk-Treasurer."

---EXHIBIT NO. 103: Petition to the Ontario Government bearing receipt stamp date "March 10, 1943," for the enactment of a provincial labour bill, endorsed by membership of Social Progressive Club of the Spirella Company Ltd.:

"PETITION TO THE ONTARIO GOVERNMENT  
 FOR THE ENACTMENT OF LABOUR BILL

"We, the undersigned citizens of Niagara Falls area respectfully and vigorously demand that the promises made by the Ontario Government be kept, and that a Provincial Labour Bill guaranteeing Labour's rights of collective bargaining and trade union organization be introduced and enacted at this session of the Ontario legislature.

"We insist that this is absolutely essential so that Labour-management relations will be improved through the democratic machinery and procedures of such a bill, and furthermore, we believe that Ontario labour is entitled to such a bill. We earnestly appeal to the Ontario Government to enact this bill, despite the efforts of the anti-war and anti-labour forces to scuttle it, and we re-emphasize our conviction that now is the time for all-out labour-management-Government cooperation, so that there will be a plentiful supply of the weapons of war to ensure victory for the United Nations in 1943.

"Sponsored by COMMITTEE TO SECURE LABOR LEGISLATION

"Endorsed by membership of the Social Progressive Club of the Spirella Company Limited.

"Secretary: (sgd) Marion Cunningham  
 President: " O.B.Bedersen."



MR. FURLONG: The first delegation to be heard this morning is represented by Mr. Fern A. Sayles of Welland.

REV. FERN A. SAYLES, Sworn.

EXAMINED BY MR. FURLONG:

Q. Where do you live? A. 387 River Road, Welland.

Q. Who do you represent? A. I represent a group of union members in Welland and citizens of Welland.

Q. What are the names of the unions you represent?

A. There are several unions including the United Electrical, Radio and Machine Workers of America and also the Automobile Workers' Association.

Q. Have you a statement which you wish to present?

A. Yes.

Q. Please proceed to do so. A. I have copies here for the committee.

THE CHAIRMAN: Q. What kind of unions are they? Are they local or shop unions or international unions?

A. These are well known unions including the United Electrical, Radio and Machine Workers of America and the Automobile Workers' Association, sir.

Q. Are they local, Canadian or international?

A. The United Electrical, Radio and Machine Workers of America is a union that has locals in Canada and the United States, and that is true of the Automobile Workers' Association; they are both affiliated with the C.I.O.

MR. FURLONG: They are all listed in the submission, Mr. Chairman.

WITNESS:-



Mr. Chairman and members of the committee on collective bargaining, I wish to introduce the Welland delegates. I believe we have in the neighbourhood of 70 or 80 representing the people I have suggested I myself represent, and I have been appointed by them as the spokesman for this delegation. We also have with us members of the Niagara Presbytery of the United Church in Canada:

"Welland is one of the great war production centres of Ontario. The plants represented by this delegation are:

	<u>"Approx. Employees</u>
1. Atlas Steels Limited .....	3000
2. Electro Metallurgical Co.of Can.Ltd.	2000
3. Page Hersey Tubes Limited .....	1200
4. Commonwealth Electric Corporation...	125
5. Joseph Stokes Rubber Co. Ltd.	350
6. Canada Foundries and Forgings Ltd...	350
7. Standard Steel Company .....	150
8. Welland Iron & Brass Limited.....	50

"Within these plants the employees have recently endeavoured to improve conditions, morale, and production in the most democratic way possible. They requested the United Electrical, Radio and Machine Workers of America, C.I.O., to come and organize them into unions under the total-war, no-strike, and labor-management production policy. During the last three months close to 4000 Welland employees have signed union membership cards."

Then I have a note that I have taken:-



"(Copy of Affidavit on Union Membership):

"I, Fern A. Sayles, clergyman, of the City of Welland, Province of Ontario, take oath and say that I have examined the membership records of the United Electrical Radio and Machine Workers of America, and find more than 3500 signed members enrolled in Welland since December the fifth, 1942.

"Sworn before me at the city                    ) (sgd)  
of Welland, in the county of                    )  
Welland this 9th day of March, 1943.) "Fern A.Sayles."  
                 (sgd) "J.H.Flett,                    )  
                  "A commr.&c.

EXHIBIT NO. 104: Affidavit of Rev.Fern A.Sayles, sworn on the 9th March, 1943.

"This delegation represents these, and other union workers, and a host of progressive Welland citizens, as shown by the large number of signatures attached to our petition to the Ontario Government for the enactment of the Labor Bill."

I have a group of these petitions, only a part of which we have as yet collected.

---EXHIBIT NO. 105: Undated petition to Ontario Government for the speedy enactment of labour bill:

"PETITION  
TO THE ONTARIO GOVERNMENT FOR THE  
SPEEDY ENACTMENT OF LABOUR BILL

"We, the undersigned workers, employed in the district of Welland, respectfully and vigorously demand that the sacred promises of the Ontario Government be kept and that an Ontario Labor Bill guaranteeing Labor's rights of Collective Bargaining and Trade Union Organization be introduced and enacted at this Session of the Ontario Legislature.



"We strongly believe that this is absolutely essential so that labor-management relations be improved through the democratic machinery and procedures of such a Bill. Furthermore, we believe that Ontario is entitled to such a Bill.

"We most earnestly appeal to the Government to resist any and all efforts of reactionary anti-total-war circles and anti-labor forces to scuttle the Labor Bill, and re-emphasize our conviction that now is the time for all-out Labour-Management-Government cooperation to produce more equipment and vital weapons of war to guarantee that we on the home front will not fail McNaughton's men who must soon be commanded to cross the channel and attack the German fascist enemy on the Continent."

---

"We declare that total war production can only be achieved through cooperation and harmony between industrial management and labor. Therefore, we call upon the Ontario Government to bring the Collective Bargaining Bill before the House and adopt same at once.

"The present shameful newspaper advertising campaign against labor on the part of the employers is an indication of an existing bitterness, calculated to disrupt cooperation and invite unwelcome and serious strife. We particularly protest against placing in the Welland newspaper, of full page advertisements covering an attack made by a Hamilton steel company upon its employees' union activities. The introduction of this studied Hamilton attack into the Welland scene, indicates the determination of certain employers to use any means,



legitimate or not, to turn the general public against organized labor, and bring as much confusion and division as possible into the ranks of organized labor itself."

I have here advertisements taken out of papers recently published in Ontario, and I should like to file them before the committee.

---EXHIBIT NO. 106: Several newspaper advertisements re C.I.O. etc.

MR. FURLONG: Exhibit 106 includes the advertisement you were looking for yesterday, Mr. Chairman.

THE CHAIRMAN: Yes.

WITNESS:-

"The chief source of friction centres around the denial to workers of the democratic right to organize into unions of their own choice and bargain collectively. This fundamental right of labor is established by law in Britain, with the result that organized labor has played a major roll in withstanding the Nazi air blitz and in regaining for Britain the mastery of her destiny. In her hour of peril Britain turned to the leaders of organized labor to man her war cabinet with fighting, loyal, he-men. Who then can question but that Britain has been well repaid for guaranteeing to labor the right to organize and bargain collectively? This fundamental right is likewise established in the United States by the Wagner Act. In Canada no such protection exists, although most of the provinces have provided legislation concerning the matter, that is, excepting Ontario, Canada's largest industrial province. Here, the



merchants, the employers, and the professions have the right to organize and do so much to their advantage, but labor is denied that right. This denial is manifest in certain plants in Welland along the usually familiar pattern, as follows:

1. Workers upon being discovered active in the formation of a union are discharged or threatened with discharge.
2. When intimidation as above is precluded by the number of workers concerned in union activity, the employers refuse to recognize the union or deal with same regarding plant labor problems.
3. Discrimination is shown against union advocates by loss of seniority standing and even by demotion.
4. Company, or so-called 'independent' unions are organized at the first indication that the employees are organizing their own union. By this means the employer endeavours to foist on the employees officers and policies to his own liking and choice, thereby usurping the very right, function and purpose of labour unions.
5. Inducements are offered the employees to join the company union such as time paid for union activities, promise of rapid advancement, and new concessions heretofore consistently denied.
6. A campaign of incrimination and misrepresentation is set up by the employer's company union against the union of the workers' choice. Press advertisements and hand bills are used to attack the workers' union. Renegade company agents conduct mass meetings attacking the legitimate employees' union, spreading confusion and bitter-



ness in the mind of as many employees as possible."

Here are affidavits of which there are copies in the brief, to substantiate the statements that have been made:

"March 1st, 1943.

"I, Joe Horas, hereby swear the following statement to be true:

"THAT on January 4th, 2.30 p.m. Jack Runyan, Secretary of so-called Atlas Independent Union, offered me the sum of Twenty Dollars to join the so-called Atlas Independent Union.

"Sworn before me at                   )  
the city of Welland in               )  
the county of Welland this    ) (sgd) "Joe Horas."  
2nd day of March, 1942.        )  
                 (sgd) "J.H.Flett,        )  
                  "A comr.&c.

---EXHIBIT NO. 107:   Affidavit of Joe Horas, sworn on the  
                          2nd March, 1943.

Then there is an affidavit of Paul Horas:-

"March       1943.

"I, Paul Horas, hereby swear the statement made by Joe Horas, pertaining to the fact that he was offered the sum of twenty dollars to join the so-called Atlas Independent Union, to be the truth as I heard this offer being made.

"Sworn before me at the    )  
City of Welland in the    )  
County of Welland this    )  
2nd day of March 1943.    ) (sgd) "Paul Horas."  
                                  )  
                 (sgd) "J.H.Flett, )  
                  "A comr.&c.)

---EXHIBIT NO. 108:   Affidavit of Paul Horas, sworn on  
                          the 2nd March, 1943.

Then another affidavit by Joe Horas:-



"March 1943.

"I, Joe Horas, hereby swear the following statement to be true:

"That, on January 20th, 3.30 p.m. Keith F. Langdon, President of the so-called Independent Union, threatened me, that if the Independent Union got in I would no longer be able to hold my job as a blacksmith, but would be put down to the job of sweeper.

"Sworn before me at the City )  
of Welland and in the County )  
of Welland this 2nd day of )  
March 1943. ) (sgd) "Joe Horas."  
)  
(sgd) "J.H.Flett, )  
"A commr.&c. )

---EXHIBIT NO. 109: Affidavit of Joe Horas, sworn on the 2nd March, 1943.

Then another affidavit:-

"March 1, 1943.

"I, D.G.Cowan, hereby swear on my oath that the undersigned statement is the truth:

"On December 20th, 1942, I was requested to attend a meeting of the Atlas Steels Employees Association where an attempt would be made to change the Employees Association into an Independent Union.

"This attempt was voted out by the members of the Association.

"While attending this meeting of the Employees Association we were paid our full base rate of pay.

"A few days later in the same week I was again requested, by a foreman, to attend another meeting with the purpose of organizing an Independent Union, again I was paid while attending the meeting which was held



on the Atlas Steels Ltd. property.

"Of an attendance of nearly 40 people about half were either foremen or shift leaders and appeared to be the main instigators and organizers of this Independent Union. Mr. Jayne, the Vice-President and General Superintendent, was also present and promised the Company's fullest cooperation, also offered to get a speaker on Independent Union from the United States.

"The key men and organizers went around the factory with the consent of the foreman and superintendents on company time, selling membership cards of the so-called Independent Union, to the workers by threatening the ones who were reluctant with dismissal and demotion and offering deferred payment of Independent Union dues to others.

"When a worker admitted he belonged to the U.E.R.M.W., C.I.O. and C.C.L. he was subjected to abuse and threats.

"To the majority of the workers of the Atlas Steels Limited this so-called Independent Union is nothing more than a poorly camouflaged Company Union.

"Sworn before me at the       )  
City of Welland in the       )  
County of Welland this       ) (sgd) "D.G.Cowan."  
10th day of March, 1943       )  
                                      )  
          (sgd) "J.H.Flett,       )  
                  "A commr.&c.       )

---EXHIBIT NO. 110: Affidavit of D.G.Cowan, sworn on  
the 10th March, 1943.

Then an affidavit of Thomas Curran:-

"March 1, 1943.

"I, Thomas Curran, do hereby swear on my solemn oath  
the following statement to be true:



"THAT during the month of December 1942 I was approached by an employee of the Atlas Steels Limited during working hours to represent my Department, the Cold Draw, at a meeting that was taking place on Company time and on Company property. I accepted and went to the said employees Department; from there I was driven by a Company hired truck to the meeting. There were approximately 40 men in attendance at this meeting. At this meeting a Committee was elected to form this Company Union. I was elected as chairman and was instructed to contact Mr. Jayne, Gen.Supt., to inform him this meeting was taking place and to request an interview with him. He chose to come to this meeting. Mr. Jayne was asked if he approved of this organization and his answer was to go ahead and bring in a constitution to the Company and they would give their approval if possible. He urged that workers take steps to legalize their union. He also said that he could get in touch with a man to help us form a union like this, namely Ardene. Then he left the meeting. Committee turned this idea down.

"Committee meeting was arranged and we again met on Company property. At this meeting arrangements were made to hold Mass Meeting in High School Auditorium. At this committee meeting arrangements were made to have leaflets distributed. Following day I was approached by employee named Carter informing me that arrangements had been recently made to distribute more leaflets than committee had decided. When I asked who decided this and who was going to pay for leaflets and his ans-



wer was, 'Don't worry about this matter. It will be taken care of.' I refused to agree to this, pointing out finances were coming from unknown sources and this was NOT a Workers' organization.

"However, a mass meeting was called. No enthusiasm was shown by workers to have such set up. In fact very poor attendance showed this point.

"At this Committee meeting on company property suggestions were made to comply with Mr. Jaynes proposals and bring Ardene to Welland. I objected to this and an employee left meeting and came back in approximately two minutes and announced arrangements were cancelled to bring Ardene.

"I resigned the chairmanship and desired to join a UNION OF THE WORKERS.

"Sworn before me at                    )  
the City of Welland in                )  
the County of Welland                )  
this 2nd day of March,                )  
1943.                                    ) (sgd) "Thomas Curran."  
  )  
  ) (sgd) "J.H.Flett )  
  ) "A commr.&c.)

---EXHIBIT NO. 111: Affidavit of Thomas Curran, sworn on the 2nd March, 1943.

"March 8, 1943.

"I, John Christopher, do hereby swear on my solemn oath the following statement to be true:

"THAT in the month of December 1942, I attended a meeting called by the so-called Atlas Independent Union and during which time I should have been working, but was given time off with full pay to attend said meeting which was held in the High School Auditorium.

"This meeting lasted approximately three hours. Upon



returning to work no questions were asked as before attending said meeting a list was prepared and given to company police giving them the privilege to grant permission to approximately 40 workers to attend said meeting. At this meeting a company foreman was present.

"Sworn before me at )  
the city of Welland )  
in the County of )  
Welland this 9th day )  
of March, 1943. ) (sgd) "John Christopher."  
)  
(sgd) "J.H.Flett, )  
"A comr.&c. )

---EXHIBIT NO. 112: Affidavit of John Christopher,  
sworn on the 9th March, 1943.

Then an affidavit of Margaret Gulas:-

"March 8, 1943.

"I, Margaret Gulas, hereby swear the following  
statement to be true:

"THAT on March 5, 1943, I met Margaret Molnar and she explained to me that she was one of the 20 girls who had received a notice of separation from Atlas Steels Company a few weeks ago. She told me that the Company informed her that they were forced to let her go in order to get rid of the other 19 girls who were C.I.O. members but that because she was a member of the Independent Union a job was waiting for her in another department. That the company advised her to go to the Selective Service and get another permit to return to work. She did so and got a job in another department at Atlas Steels.

"Sworn before me at the City )  
of Welland in the County of Welland ) (sgd)  
this 9th day of March, 1943. ) "Margaret Gulas."  
(sgd) "J.H.Flett, A Comr.&c. )



---EXHIBIT NO. 113: Affidavit of Margaret Gulas, sworn on the 9th March, 1943.

I have still a further affidavit that is not included in the brief. I would like to present it now:

"March 10, 1943.

"I, John Christopher, do hereby swear on my solemn oath the following statement be the truth:

"I am the Chief Steward in my Department.

"I am on the Negotiating Committee for the Atlas U.E. C.I.O. Union.

"On March 2nd, 1943, I was the spokesman for the organized workers, and citizens of the City of Welland before the City Council, asking them to endorse the Collective Bargaining Bill.

"On March 4th, 1943, I took part in a conversation along with approximately 17 men, during my lunch hour on Atlas Steels property. I asked a Mr.Boyington how much he had been getting paid before he had come to Atlas Steels. He replied that he had been getting 20¢ per hour and that he was now getting much more on his new job. I answered, 'Apparently you wouldn't be interested in joining a union.' He answered that he was not.

"On March 6th, 1943, I received a dismissal slip without seven days' notice, from the Atlas Steels Limited, stating reason as 'open solicitation and demoralizing the workers.'

"Sworn before me at the City of )  
Welland in the County of Welland) (sgd)  
this 10th day of March 1943. )  
(sgd) "J.H.Flett, ) "John Christopher."  
"A comr.&c. )



---EXHIBIT NO. 114: Affidavit of John Christopher,  
sworn on the 10th March, 1943.

Then at the end of the affidavits there is this statement:

"The Atlas Steels Company 'Independent' Union, without authority from the employees, sent representatives to appear before members of the Ontario Cabinet and in the name of the workers of Atlas Steels whom they falsely claim to represent, declared their opposition to the Labor Bill and protested against its presentation to the House. Our presence and numbers here indicate the true attitude of Atlas workers, repudiating the company union declaration and demanding the Labour Bill forthwith."

To substantiate some of the claims I have previously made, I have here some of the bills relative to the mass meetings that have been called by the union, and I would like to read enough to give you an indication of the type of language used:-

"C.I.O. ARE LIARS

"Mr. Roy H. D'Ardenne was paid by the Independent Union and not by the Atlas Steels, Ltd. The management has absolutely nothing to do with Independent Union. Don't let C.I.O. quizzlings tell you any different."

Then at the foot of the sheet appears this statement:  
"Let's all go independent and go on a working spree,  
Lick Hitler & the C.I.O. and keep our workers free."

I would suggest that to link up the C.I.O. with Hitler, and to promote fighting against and licking the



C.I.O. is not furthering our war effort, but has an adverse tendency that we should not welcome at this time.

Here is another specimen in a bill headed: "To All Atlas War Workers":

"Don't let your outside union tell you that, at  
"some time or other, all Welland plants had company  
"unions. They may have had Employees' Associations,  
"and the like, but certainly no independent unions."

Then here is a bill that refers to the meeting I mentioned, showing that D'Ardenne did come to speak to the independent union. Apparently the independent union is not only critical of outsiders but decides itself to bring in their agents from another country.

I do not think it is necessary to present at this time the letter that the city council has forwarded to the committee.

MR. FURLONG: It is already filed.

---EXHIBIT NO. 115: Bundle of newspaper advertisements  
re C.I.O. etc.

WITNESS:

"The above incidents are examples of deliberate provocation of the employees by the employers. Yet the constructive and patriotic policies of the unions in our area are carried forward, as is proven by the fact that no strike, slow down, or stoppage of any kind has taken place.

"To continue, however, to allow the employers and their company unions to harass and provoke the employees who seek to exercise their legitimate right to organize



and bargain with their employers, is to invite the very strike the employers pretend to fear and condemn.

"Where such conditions are allowed to exist, harmony and co-operation between management and labor are impossible. Labor becomes restive and militant and the stage is set for the tragedy of a war-time strike. To avoid this situation the Nazis adopt a policy of the complete suppression of labor. There is only one other alternative, and that is the adoption and protection by law of the democratic policy of free labor organization with collective bargaining rights.

"Legislation to guarantee this right has been consistently promised to the workers by the leaders of the present Ontario Government. The fulfilment of this promise is already overdue.

"After the cabinet session of September 1st, 1942, Hon.Peter Heenan announced a bill providing 'freedom of association and collective bargaining.'

"The Globe and Mail of September 15, 1942, reports Mr. Heenan as saying the Ontario Government planned legislation 'recognizing and giving labor the right to organize and bargain collectively.'

"The Canadian Tribune of February 13, 1943, reported highlights of Ontario Premier Hon.Gordon Conant's address to the Kingston Chamber of Commerce on January 29th, 1943. He said, 'It has previously been announced that there will be introduced at the next session of the Legislature, commencing on February 9th, an act to provide for collective bargaining between employers and employees. . . . I do believe . . . that it will



help by giving a feeling of security to labor and certainty to management in the machinery it provides for determining the bargaining agency in industry. It will also give legal status to unions or associations of employees, a thing that has always been lacking in this province.'

"These promises have raised the hopes of the employees we represent. To so raise their hopes and then to dash them to the ground in the present apparent about-face of the government, not only turns the workers of Welland against the government, but smashes at morale and dangerously pulls back to the strike alternative, despite the no-strike policy of our unions. To fail to fulfil these promises is to endanger Canada's destiny among the United Nations; while the fulfilment of the promise to make true collective bargaining effective now, will place Ontario in a position to lead the nation to unequalled productive attainment.

"That unequalled productive attainment is now the order of the day for Canada. The symbol of the required action now is found at Casablanca. There the allied nations sat in conference united in the service of a common goal. There total effort for total offensive war on all fronts by all forces was planned, exacted, completed. Ontario's employees and Ontario's employers are part of these forces. We must follow that example and contribute our full effort toward the total destruction and unconditional surrender of the axis powers. Premier Ying has called for such conduct on our part. In his speech of February 22 he said, 'I can



see where this year the need for co-operation of all classes of our country will be greater than at any stage.' Well, collective bargaining heralds that co-operation, and labor, organized democratically and protected by law, makes it possible.

"The people we represent support the demand of Ontario Labor for immediate legislation, guaranteeing labor's right to organize making collective bargaining compulsory, and outlawing company unions."

Mr. Chairman, I would like to introduce to the members of the special committee John Christopher of Atlas Steels. I will ask him to say a few words to you.

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JOHN CHRISTOPHER, Sworn.

EXAMINED BY MR. FURLONG:

Q. Where do you live? A. 36 Elm Street, Welland.

Q. I take it that you work for the Atlas Steels Company? A. I do.

Q. Are you a member of the union? A. I am a member of the U.E. (C.I.O.).

Q. Proceed? A. I would like to say that I am one of the several examples of discrimination in the Atlas Steels, As my affidavit states I have been an active worker for the union, and spokesman for over 4000 organized workers in the city of Welland, and I am on the negotiating committee and chief steward in my department. My department is 100 per cent U.E. (C.I.O.), and my dismissal was nothing less than a deliberate attempt to smash our union.



Q. What proportion of the employees are unionized in your plant today? A. I think we have a good majority.

Q. Have you asked for a bargaining agreement yet?

A. We tried to contact the management, but they were always too busy to see us.

Q. You have not been able to get around the table with them yet? A. That is correct.

Q. Proceed? A. I feel that after the committee have heard our brief it should help to convince them of the need for collective bargaining against employers who have this dirty, discriminating attitude towards the workers.

Q. You want to be free to choose your own union, and when you have a majority you want to be able to sit down with your employer and negotiate an agreement?

A. Yes.

Q. I think the committee pretty well understands that from your brief? A. Thank you.

MR. ANDERSON: Mention has been made in the brief of an independent union in the Atlas Steels Company. When did the independent union begin? When was it formed? A. The independent union started after the U.E. (C.I.O.) came to town.

Q. After your union activities began? A. Yes. We mention in our brief that the independent union is sponsored and promoted by the Atlas Steels Company. I was one of the 40 workers paid to attend the meeting.

THE CHAIRMAN: Q. I take your evidence to be that the management showed extreme enthusiasm for a company union after your union started to organize the workers?



A. That is correct. I think that is a rotten proposition on the part of the company.

---Witness withdrew.

MR. MACKAY: Mr. Chairman, I would like to ask Mr. Sayles a question with respect to the approximate number of employees of the eight companies set out on the first page of his brief.

THE CHAIRMAN: Very well.

REV. FERN A. SAYLES resumed the stand.

MR. MACKAY: Q. Do you intend the number of employees shown at the head of page 1 to represent the total number of employees working in the firms shown? A. Yes; that may not be the exact number by any means.

Q. The approximate number? A. Well, for instance, Page Hersey Tubes Limited should have a greater number of employees indicated, but we tried to think in terms of how many would be eligible for union membership in that plant.

Q. Is it fair to ask you what percentage belong to the unions which are represented here? A. What percentage?

Q. What percentage of this group belong to your organization? A. We have 4000 members.

Q. Out of the 7000 odd? A. Out of the number indicated; that is very close to it.

MR. HAGEY: Q. When did the first union activity commence? A. There was a certain recommendation or request brought by one man in one of the plants for a union to some of us who are interested in labour by



reason of our own working experiences. This man said: "We have 300 or 400 men who are ready to join and sign at any time." We said: "Can you prove that?" He said: "I can get you a list of names." Within a few days this man came along with the names of 300 to 400 men signing to indicate that they would like to have a union. This request was sent on to the United Electrical, Radio and Machine Workers' Union with the request that they should do something about it if they could. Apparently they considered it seriously, and came to Welland on December 6, 1942.

Q. Your troubles have not been of very long standing if you started to organize only last December? A. Not of long standing so far as this particular phase is concerned, but we have had plenty of labour difficulties in the past with men trying to organize.

MR. OLIVER: Q. Prior to December 1942 there was no union of any kind in Welland? A. Not for some years.

Q. Not even a company union? A. Yes, there were evidences of company unions in Welland.

Q. I understood that the company unions started after your activities commenced? A. That was in the Atlas Steels.

THE CHAIRMAN: Q. You said a man came to you and somebody else and "We asked him how he knew the men wanted to join the union?" Who are the "We"? A. There are a number of men in Welland such as Mr. Yatzman, a merchant in Welland---

Q. I am not asking the question in any offensive



way. Everybody has a perfect right to be interested in union activities. I notice you set out that you are a clergyman. Is the name "Sayles" a Scottish name and do you belong to the Presbyterian Church in Canada?

A. No; I belong to the United Church in Canada.

Q. And it is through your duties as you see them, as a clergyman of the United Church in Canada, that you are interested in this social question? A. Yes.

Q. And the workers came to you and Mr. Katzman and some other citizens of the community? A. Yes. I might say that I have been working in the All People's Mission in Welland for the last seventeen years.

Q. What is the name of that mission? A. The All People's Mission. Our work is largely among non-Anglo Saxon people, as is my particular church work, and I feel it is largely social service work, dealing with the problems of non-Anglo Saxon people. Also I have had very pleasant relations with a good many of the heads of the firms there, and on a good many occasions I have gone in and talked to the managers about cases of discrimination, and so on, and have tried to clear up individual cases. Now, on the basis of my experience in this kind of work it is my conclusion that it is impossible to deal with these problems in that way, and that only as labour is organized, and as the right to organize and speak for itself and as it is possible to get management to recognize that labour has that right and deal with them can the problems we have had all through these years be solved.



MR. GARDHOUSE: Q. Have you talked with the management of Atlas Steels? A. Not on labour problems. It is a big firm, and a rather recent firm.

MR. MACKAY: Q. Have any of the eight firms named at the head of your brief cooperated with the union?

A. So far as I understand. After all, I am not a union organizer and am somewhat of an outsider; but I understand that some of these firms have been what we would call pretty decent.

MR. OLIVER: Q. Have any of them entered into collective bargaining agreements with the employees? A. I believe that as yet, while they have been very decent and said they would cooperate with the union, in some cases it has not been possible to get them to the place where they would agree to collective bargaining.

MR. ANDERSON: Q. There has been no agreement signed by the Atlas Steels? A. Not to my knowledge.

Q. Or by Page Hersey? A. To my knowledge, no.  
---Witness withdrew.

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MR. FURLONG: Who is your next witness?

MR. SAYLES: Mr. Thomas Curran of Atlas Steels.

THOMAS CURRAN, Sworn.

EXAMINED BY MR. FURLONG:

Q. Do you live in Welland? A. I live at Stop 19, Welland, R.R.#2, and I work for the Atlas Steels Limited of Welland.

Q. Are you a member of the union? A. Yes, I am a member of the U.E. (C.I.O.).



Q. Please tell your story to the committee? A. I am here representing the majority of the workers at the Atlas Steels Company.

THE CHAIRMAN: Q. How do you know you represent the majority? A. Because I work there, and I come in contact with all the workers daily and I know how they feel.

MR. ANDERSON: Q. How long have you worked there?

A. Approximately three years at the Atlas Steels, come April. It is their desire that they have a collective bargaining bill, not just any sort of a bill but a bill that will not be full of loopholes that will permit individuals singly or collectively to jump through it and turn it into a scrap of paper, as has happened in the past. The workers want this committee to recommend to the House that they immediately pass this collective bargaining bill for us. It is our democratic right to have a voice in how things should be run in this country, and we feel that such a course, if followed, will enable us to go back into the plants and produce not only a larger quantity but better quality of material in order to help to finish this war more quickly. Some people may think our actions are hindering that objective, but that is not true. 60 per cent of our class are in the armed forces, and we want to ensure that as many of our brothers, sisters, fathers and husbands as possible shall return to us without having been shot up or injured. We in Ontario are citizens of Canada, which is a member of the Allied Nations, many of which, such as Great Britain, New Zealand, Australia and the United States,



have collective bargaining bills. When Mr. Churchill was asked by the mine heads to bring about a greater coal production he said that organized labour was the only medium through which that could be done and called upon the labour heads, and later complimented them. When organized labour has done so much for Great Britain it can do more for us.

In regard to the independent union, if any of the gentlemen sitting here were in the plants in the Welland district, you would appreciate the disgraceful conditions obtaining there. Company union men are allowed to take the men away from their machines in the shops and talk with them about why they should join this company union and not join the U.E. (C.I.O.). On one Sunday - I cannot give you the date now, but I work seven days a week in that department - Carter, whom I have mentioned in my affidavit, along with Keith Langdon, the president, came into the cold draw department and started talking about union activities and took quite a number of men away from their jobs to tell them why they should join the company union. Nothing was said about this, but if a U.E. (C.I.O.) member dared to talk about the U.E. there would be discrimination. We have a number of cases of discrimination in the Atlas Steels.

THE CHAIRMAN: Q. Do you mean men discharged?

A. Johnny Christopher has been discharged for soliciting membership and demoralizing the workers. We want a collective bargaining bill and we ask the government to protect us. The government are our



representatives whom we put into power, and we want the government to give us the right to organize ourselves in a democratic form so that a vote shall be taken, if it is the desire of the workers to do so, in each individual and separate plant. The Atlas Steels has shown great desire to recognize the minority independent union, but they are not our representatives. When they came before you they did not tell us they were coming. They did not come to us and say: "Do you desire to come with us before the select committee on collective bargaining or do you want us to represent you, and if so, what do you want us to say as your representatives at Queen's Park?" They said nothing about it. These delegates you see here, Mr. Chairman, have been nominated and elected by the workers of the various plants to come here and put our case before you.

Q. How are they elected? A. I believe the Electro-Metallurgists are highly organized, but I am employed by Atlas Steels.

MR. OLIVER: Q. In answer to a question put to you by the Chairman you said that you felt you had a majority in the plant. Would you not know whether you had a majority in the plant by your union membership? A. I am not an organizer for the union, sir; I am a worker who believes in this U.E., and outside of company property and company time I do, of course, talk union activities.

MR. FURLONG: Q. Has there been any effort on the part of U.E.(C.I.O.) to have a vote taken in the plant?



A. Yes.

Q. What happened?      A. No result from management; I suppose they were too busy, or something like that, but we got no answer.

MR. HAGEY: Q. Who approached management, the elected representatives of your union?      A. Yes.

Q. And management refused to bargain?      A. I would not say they refused. It depends on what you mean by "refused." You see, I am a worker, and have not a vocabulary wide enough to choose the proper words, sir.

Q. I am not trying to trap you, but merely asking you a question.      A. Yes.

THE CHAIRMAN: I think you are too modest, Mr. Curran.

MR. FURLONG: Q. You are not an officer of the union?      A. I am steward in the U.E. (C.I.O.), a recognized steward.

THE CHAIRMAN: Q. You would not want the task of putting the words in this bill?      A. Well, I could put the words in the bill, because as a worker I know what I want. I could not phrase it properly, I will admit, but I could put the real meaning in there, the meaning the working class has in mind, because I am a worker and I know the feelings of the workers. We workers know what we want. (Prolonged applause from the audience)  
---Witness withdrew. \_\_\_\_\_

REV.MR.SAYLES      Mr. Chairman, I would like to introduce to this committee at this time the Reverend Dr. Harvey G. Forster of the Niagara Presbytery. Dr.



Forster is a citizen of Welland, a member of the Board of Education, and the holder of many appointments. He is an active member of our Presbytery and has been asked by the Presbytery to speak to the resolution that has already been sent to you. Dr. Forster is also a member of this delegation, appointed at our mass meeting in Welland for this purpose.

(page 798 follows)



REV. HARVEY G. FORSTER, DD., Sworn,

WITNESS: Mr. Chairman and gentlemen, I am happy to support the brief which has been presented. As a citizen of Welland I feel that the brief has made out a case for collective bargaining in Welland.

I have also been commissioned by the Presbytery of Niagara, United Church of Canada, to present the finding of the Presbytery of the church on this matter of collective bargaining:

"The Presbytery of Niagara, United Church of Canada, representing fifty-nine United Churches in the Niagara area and 25,500 United Church people, at its meeting in St. Catharines on Feb. 23rd, 1943 passed the following resolution:

"'In keeping with the pronouncement of General Council on the necessity of collective bargaining guaranteeing to labor equal bargaining power, this Niagara Presbytery endorses the demand of labor for the right to bargain collectively through unions of their own choice and calls upon the Ontario government to bring before the provincial house a collective bargaining bill and adopt same without further delay'.

"The pronouncement of General Council to which reference is made, is the pronouncement of the General Council of The United Church of Canada, representing some two millions of people, over one million of whom live in the Province of Ontario, at its meeting in Belleville, in Sept. 1942, where the following resolution was passed:

"'Whereas the General Council has upheld collect-



ive bargaining; whereas the Government of Canada by order-in-council has affirmed that labour should be free to organize in trade unions of their own choice; whereas organized labour has repeatedly affirmed its full support of the nation's war effort; and whereas we are now in the midst of a World War; and

"Whereas the principle of collective bargaining has been well defined in the American Supreme Court decision of Chief Justice Hughes, which reads as follows:

"The right of employees to self-organization and to select representatives of their own choosing for collective bargaining is a fundamental right. Long ago we stated the reason for labour organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that union was essential to give labourers opportunity to deal on an equality with their employer. Discrimination and coercion to prevent the free exercise of the right of employees to self-organization and representation is a proper subject for condemnation by competent legislative authority." (Page 21, Senate Document No. 51, 1937, National Labour Relations Board vs Jones and Laughlin Steel Corporation.)'

"Be it resolved that:

1 - This Council reaffirms its emphatic endorsement of the principle of collective bargaining, independently of the issue of the closed versus the open-shop.



(3) This Council urge the Government of Canada to secure enactment of a collective bargaining act.

(4) This Council urge the Government of Canada to give organized labour full, direct and representative membership on war-time control boards, directly affecting Labour and its relations.

(5) This Council urge the Government of Canada to encourage the formation of joint management-labour war production committees in all war industries.

"Further, General Council accepted the definition of collective bargaining as follows:

"'Collective bargaining is the Bargaining that takes place between employers and employees acting in groups as under the conditions imposed by the employer's associations and labour unions of the present day'.

"The Hamilton Conference of the United Church of Canada, representing 140,000 United Church people, at its meeting in Hamilton, in May, 1942, passed the following resolution:

"'We place on record our deep appreciation of the<sup>expressed</sup> desire of Labour to forward the war effort. We urge that organized labour be given full responsibility through direct representation on government boards and commissions, through the establishment of joint management-labour production committees in all war industries. We urge that the right of collective bargaining be made mandatory through legislation.'"

Now, Mr. Chairman, might I add a word as to the position of the Church and its point of view?



THE CHAIRMAN: Certainly.

WITNESS: It has passed these resolutions on collective bargaining, first, because of its own basic affirmation in the worth and dignity of the individual man; that labour is not a chattel to be bought and sold as we buy and sell machinery; that the individual has dignity and worth, and through collective bargaining he will be able to assert that dignity and value.

Secondly, the church is committed to the war effort, believing that the destruction of Nazi and Fascist forces is essential, and believing that through collective bargaining war production will be increased.

Yesterday I received a copy of the Malvern Torch which is published by the churches in Great Britain. It has these significant words:

"There is an increased determination in the factories to arrive at the maximum production, and this, it is interesting to note, is largely due to the increased influence of the shop stewards."  
(Prolonged applause from the audience).

I need not quote to you the section of the Wagner Act of the United States which, out of the long experience in the United States, supports collective bargaining as a productive measure.

Thirdly, the church believes in collective bargaining as an educational process and as a training in democracy. Labour unions carry on a large educational campaign among the employees. To quote my old professor, Henry R. Seagar:

"Labour unions are themselves training schools in democracy. As miniature democracies they reproduce



on a smaller scale the self-governing states on whose success the future success of civilization so largely depends. Members learn in labour unions how to give way when they cannot persuade; how to sacrifice smaller for greater things; and how to defer without rancour to the opinions of others, - qualities which are essential to the successful working of democratic institutions."

Therefore, because of the interest of the church in the value of the individual man, and in the elimination of strife in the community, and the development to the full of our war production, and because of its interest in democracy, the United Church of Canada, Presbytery of Niagara, has passed these resolutions. (Applause from the audience).  
---Witness withdrew.

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MR. SAYLES: Mr. Chairman, we have presented our brief and our speakers, and I think we have finished our case. As one who has worked with the workers and has some knowledge of their attitude and spirit at the present time, I believe there is no need to doubt the wisdom of providing for the workers this right that they seek, and of convincing those who do doubt, that we are facing a new age and entirely new conditions and must face them either in this democratic, intelligent, planned way, or take a chance of facing them through crisis.

I believe it is possible for organized working people not only not to lessen production but to heighten production and make conditions pleasant, so that in the days that are to come the manufacturers will themselves recognize that



fact and accept it as simply an evidence of the march of time. And it will avoid a very serious situation, as I see it as a citizen in the city of Welland.

THE CHAIRMAN: I think I can speak for all the members of the committee when I say we appreciate your coming here, and the manner in which you and the other members of your delegation have presented your views. I hope you will return to your city realizing that we have a rather difficult task to perform. I do not think there is any member of this committee that is not in full accord with the excerpt from the decision of Chief Justice Hughes as read out this morning. Our difficulty, of course, is in the mechanics of the legislation. We have sat here for several days and have heard many conflicting submissions. I was quite interested in Mr. Curran's statement that he could frame the bill in a manner which would express the views of the workers.

MR. CURRAN: Give the bill to the workers and we will frame it! (Prolonged applause from the audience).

THE CHAIRMAN: Mr. Sayles, here are forty-one pages of material covering the Acts of other provinces in Canada. Ontario has not yet passed such an Act. Quebec has a bill. Other legislation is being prepared now covering Australia, New Zealand, the United States and elsewhere, so you will appreciate that our task is not the easiest one, in recommending any finished bill that we are able to draft. It is not because of any lack of desire on the part of any member of the committee for all our hearts are in the right place. Today a great many of the employers have asked their employers to organize into unions so that they can deal with them collectively, and they are getting along very well. ~~It is~~



the old question of getting down to the five per cent or ten per cent who refuse to see the swing of the times.

MR.SAYLES: May I thank you, sir, for the very kindly and friendly way in which you have received our delegation. We appreciate the fact that you have a very difficult task to perform, but we also hope, sir, that you will measure up, as we are sure you will. We feel that whether it is difficult or not, this situation must be faced, and we have confidence that you will face it.

THE CHAIRMAN: We will do our best.

---Witness withdrew. (Prolonged applause from the audience).

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MR. FURLONG: Is Mr. Reese of the Kirkland Lake Central Committee in the audience?

---

CLIFFORD BRUNETT, Sworn.

EXAMINED BY MR. FURLONG:

Q. Where do you live? A. Kirkland Lake, Ontario.

Q. What organization do you represent? A. I represent the Wright Hargreaves Employees' Council.

Q. Is that an independent union? A. Yes.

Q. Are you an officer of that union? A. I am vice-chairman of the Wright Hargreaves Employees' Council, and have been appointed by our representatives to read this brief to you.

Q. How many members are there in the association?

A. No other union or organization has furnished the committee with the number of members, and we feel that we would not like to give that information now.



Q. Perhaps I can get the answer in another way. How many employees are there? A. Approximately 3,000 now.

Q. And <sup>do</sup> you claim to represent a majority of those employees? A. We do.

Q. I think that answers the question. Proceed, please.

A. Thank you:

Mr. Chairman, we did not have any lawyer to represent us or to assist us in drawing up our brief. It contains the workers' own views, and if it seems to be somewhat crude in language, we hope you will bear with us. We will try to present to you our concern about any proposed legislation. We have kept our brief brief, because we feel more capable of co-operating with your committee this session. We would like to state now that we do not wish to oppose any union or organization, whether C.I.O or A.F. of L. or any other independent union:

SUBMISSION BY THE INDEPENDENT ORGANIZATIONS OF THE EMPLOYEES OF KIRKLAND Lake and DISTRICT GOLD MINES, MARCH 11, 1943, PRESENTED BY CLIFFORD BRUNETT

"MR. CHAIRMAN, The independent organizations of employees of Kirkland Lake and District gold mines heartily commend the Government of Ontario on its intention to pass labour legislation safeguarding the rights of labour to organize and giving legal status to its organizations. We applaud the Government's action in setting up a Select Committee on Collective Bargaining to get a comprehensive picture as to who is labour in this province and to learn their views on this very important matter.

"We respectfully submit the following views to



the Select Committees regarding the drawing up of any Collective Bargaining legislation.

(1) It is our opinion that Unions and Associations of Employees should be given legal status.

(2) We believe that Employers should be obliged to enter into and abide by any collective bargaining agreement made with representatives of the majority of their employees.

(3) We agree with the principle of 'Freedom of Association', the democratic right of any man to join the Union or Association of his own free choice.

(4) Elections

(a) When Elections are held to decide who represents the majority of Employees and who is to be the Collective Bargaining Agent, they should be done by secret ballot and should be conducted properly.

(b) If the Elections are not supervised by the Minister of Labour, provision should be made that if he is not satisfied with the way the Collective Bargaining representative was elected, he may cause another election to be held under his supervision.

(5) We feel that it should not be lawful for any Employer to dominate, or interfere with the formation or administration of any lawful organization of Employees.

(6) In our opinion provision should be made that where a Collective Bargaining Agreement has been entered into, any group of Employees, after the end of one year from the time of the date of such an agreement,

~~may~~ petition the Minister of Labour to confirm the right



of the bargaining agency to bargain for the Employees by holding an election. If it is found that the Agency has not that right then the Organization with the majority of the votes of the Employees should be named the lawful bargaining agent.

"We have outlined our views and we would like to state that our individual organizations have now, <sup>or</sup> have under negotiation, Collective Bargaining Agreements with their respective Employers. These cover wages, hours of work, working conditions, holidays with pay..."

I might mention that we have six days holidays with pay in force now, Mr. Chairman.

"...(subject to the ruling of the National War Labour Board), seniority and grievance procedure. Besides we have many Agreements covering Group Life and Accident Insurance, medical schemes, pension plans, contributions to the United War Charities Overseas Tobacco Fund, etc.

"The above is briefly our concern and which we respectfully submit."

MR. FURLONG: Just one or two questions, Mr. Brunett. How is your organization formed? Is it formed by vote of all the employees? A. All the employees vote. We have a secret ballot to nominate those members who are going to run for elections. Any employee has the right to vote by secret ballot to nominate any member for election. For the election of officers we bring in a neutral, and at our last election on November 27 we had a C.I.O member or international member of the United Steel Workers who



was on strike, and also a man who was not on strike, to count the ballots to decide who were elected.

Q. And that election is held entirely under the supervision of the employees? A. Yes, the company has no part in that election.

Q. How long have you been operating as an organization?

MR. A. GRAHAM (Lake Shore Gold Mines):

Mr. Chairman, may I answer that question?

THE CHAIRMAN: Yes.

---Mr. Brunett stood aside.

---

ARCHIE GRAHAM, Sworn.

EXAMINED BY MR. FURLONG:

Q. Can you answer that question? A. No doubt you gentlemen and the public are aware of the trouble we had a year ago this winter. We asked for an investigating committee to come up to Kirkland Lake.

THE CHAIRMAN: Q. You asked whom? A. The government.

Q. Which government? A. The federal government. Our request was granted, and after the investigation the Honourable Humphrey Mitchell, Minister of Labour, advised that workers' committees be set up to approach management on the various questions at issue. Trouble was brewing. A bunch of people already had been through strikes. Then I do not say a majority but a number of the workers got together and asked each other if we could not form something by which we could approach the different managements throughout the various mines and try to reach something like what



the workers wanted. We tried to organize. Union organization was strong. We organized. We did not have a majority. The strike came.

Q. When you say "we" who do you mean? A. The workers' councils.

Q. The workers' councils did not have a majority?

A. We did not, sir.

Q. Was it a fairballot? A. Pardon me?

Q. Was it determined by a fair, secret ballot that you did not have a majority? A. We never took a ballot at that time. We tried to form this organization.

Q. How was it determined that you did not have a majority? A. I am leading up to that. Shortly after that there was a strike vote taken, and we came out on strike. As a result of the vote on the strike it was definitely shown that the union organization had a majority. The strike lasted three months. After everybody was back to work that could be brought back to work we went ahead, and the union could not get anywhere. We tried to organize under the workers' councils and told them that our aims and objects were for them and nobody else, that we were workers the same as themselves. I worked during the strike. We told the men in Lake Shore Gold Mines we were calling an election in June, and from our payroll we got a 56 per cent majority of all employees eligible to vote, every man on the payroll except the office staff, department heads, captains and shift bosses, and all other persons having



power to hire or dismiss, who are excluded from the workers' councils. The employees elected each committee. That is how the organization came into being.

MR. FURLONG: Q. It functions by the men without any domination on the part of the company or any interference at all? A. Entirely without any domination by the company.

Q. Yes? A. There is a point I would like to make clear in the minds of the members of this committee and the public generally: We as an independent union solicit funds from our employees. We are not in a position to pay rent for a hall because rents are dear in the north country, so we use a recreation hall that has been there ever since I went to Lake Shore fifteen years ago for the purpose of holding our meetings, which are held on Sunday afternoons when the employees can attend. We get fairly good turn-outs, depending on the weather and the feeling of the employees, but there are no company representatives at any of our meetings. Everything is done by the men.

Q. Have you negotiated agreements with your companies? A. We certainly have, sir. Would you like to have a specimen copy. We do not say it is letter-perfect, but it is as good as we can put it. That agreement seems to embody what the employees wanted.

---EXHIBIT NO. 116: Collective agreement between Lake Shore Mines Ltd. and Lake Shore Workmen's Council, dated December 9, 1942, replacing agreement of March 16, 1942:



- EXHIBIT NO. 117: Agreement and Constitution of Employees' Council of Wright-Hargreaves Mines Limited, dated November 27, 1942.
- EXHIBIT NO. 118: Agreement and Constitution of Sylvanite Employees' Association, dated December 30, 1942.
- EXHIBIT NO. 119: Wright-Hargreaves Mines Limited: Employees' Medical Aid Plan
- EXHIBIT NO. 120: Wright-Hargreaves Mines Limited Employees' Medical Committee.
- EXHIBIT NO. 121: Lake Shore Mines Employees' Sickness and Accident Benefit Plan and Employees' Pension Plan.
- EXHIBIT NO. 122: Envelope marked "Kerr-Addison Gold Mines, Limited" - This envelope contains details of arrangements in effect for the benefit of employees and their families. Read the contents and keep for future reference - take care of it" - and containing material re group insurance, medical aid plan, plan for holidays with pay and income war tax act.

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Through our organization we went to the management and asked for a Sickness and Accident Benefit Plan to protect our workers if they fell sick as the result of a non-occupational accident. Any employee who wishes to participate in this plan pays one dollar per month and the company contributes fifty cents a month for every dollar that is contributed by the workers. Employees receive \$15. per week for a period not exceeding thirteen weeks for lost time due to non-occupational accident or sickness. The workers' council have full supervision over the Sickness and Accident Benefit Plan.

We have also an Employees' Pension Plan that has been put across since our employees were elected to the



committee.

Then we have a Medical Aid Plan second to none in Canada which costs \$2.75 per month and covers the worker and his family for sickness, maternity cases, and operations.

THE CHAIRMAN: How many delegates or representatives of the employees do you elect to meet with management? A. We have twelve men on the committee.

Eight men are elected from underground and four men from the surface.

Q. And those twelve representatives of the employees meet with how many men on the management? A. In the mines as well as in other industries there are different departments. If it is a department underground the representatives from underground meet the supervisory staff from underground. There are four captains underground. Our eight representatives from underground will meet the four captains. If it is underground the company have five and we have eight; if it is surface, we have four and they have four.

Q. And if there is a tie vote on certain questions, what do you do? A. If we cannot arrive at a decision through agreement we can appeal to the department of labour for decision.

Q. And it is working out all right as far as you are concerned? A. As far as our employees are concerned, it certainly is. We have 77 per cent of the eligible employees covered under the pension plan. I do not want to go into detail on that. Under our



medical aid plan we have 100 per cent covered. Under our sickness and accident plan we have 92 per cent of the employees covered. We have a payroll of approximately 725 in the Lake Shore Gold Mines, and we have met with good success so far.

MR.C.S.JACKSON: Q. I wonder whether you would inform the committee as to just when the formation of the group took place, whether it was before you struck or during the strike that the major membership was built up in this employees' council? A. As I tried to explain, we had Lake Shore organized in December when this investigating committee was in Kirkland Lake.

THE CHAIRMAN: Q. After the strike? A. After the strike in June. We asked if the employees wanted an election, and they said they did. We put on an election in June and got 56 per cent of the employees; men who already had been on strikes elected us to office, and we had four members of our committee on strike.

Q. Could you inform the committee as to how many people on strike at the Lake Shore Gold Mines were back at work by that time? A. That is a very good question. Previous to the strike we had 875 men on our payroll; now we have 625, underground and surface.

Q. At the time of the vote? A. Yes, at the time the vote was taken.

MR. ROWE: Q. Was the strike over the failure of the operators to recognize the majority of the union of employees? A. There were ten demands presented by the union.



Q. Was not the main demand one of union recognition?

A. Yes.

MR. BRUNETT: May I also answer that we have recognition now in each individual mine.

---Witness withdrew.

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JOHN MIKITUK: (Mine Worker) Mr. Chairman, I would like to ask Mr. Brunett a question. He mentioned that the vote was taken during the strike.

THE CHAIRMAN: Very well.

CLIFFORD BRUNETT resumed the stand.

MR. MIKITUK: Q. If you took the vote during the strike, then the strikers and non-strikers were allowed to vote, is that it? A. May I make this suggestion, that anybody asking questions should specify the mine they have in mind. We have not come into a complete combine to make the camp solid according to our own viewpoint, and therefore in our agreements there are little variations that do not amount to much, but if the mine is specified it would enable us to answer the questions truthfully.

Q. I mean the Wright-Hargreaves? A. Yes.

Q. You read off there that the vote was taken during the strike, and that non-strikers and strikers were allowed to vote? A. Pardon me. There was an election of members held in the first or second month of the strike, and the men were not satisfied when they returned to work. When they were asked to draft an



agreement and constitution between the company and the employees they asked for another election. Another election was held and both the men who returned from the strike and the employees that stayed inside the gate voted, and we received 84 per cent of the majority.

Q. That is not the question. You said that one month after the strike started, and while the strike was on, you voted? A. There was no election held while the strike was on.

Q. When did your workers' council come into being?

A. That is when it started with the men inside.

Q. How could you have a majority when there were 3000 men outside the gate? A. We are not saying we had a majority. Mr. Graham said they did not have a majority. He made it plain that they did not have a majority at that time. As to the new elections that have been held in November, December and later months, the men feel there should be another election with new officers right through. The members who were in were in only four or five months, and the mensay: "Where the hell did those men get elected? We did not vote them in," and so there was an election and this constitution and agreement by all the men now working, both strikers and non-strikers, is the result.

MR. FURLONG: Q. Your whole organization is always willing to abide by the majority vote? A. Yes.

MR. MIKITUCK: Q. Why didn't they abide by the majority vote when we had a vote taken for a strike and for the collective bargaining bill? A. Ask the labour



department that question; they will probably tell you.

Q. The conciliation board recommended collective bargaining, Mr. Brunett. I know what I am talking about, because I am from Kirkland Lake. (applause)

THE CHAIRMAN: I think the procedure calls for asking questions. If you wish to give some evidence we shall be glad to hear you.

MR. MIXITUY: Very well, thank you.

MISS MARGARET SEDGEWICK (Packing House employees):

On behalf of the United Steelworkers' representative who cannot be here today I wanted to ask a question, Mr. Chairman.

THE CHAIRMAN: Yes.

MISS SEDGEWICK: Q. I understood you to say that a representative of the United Steelworkers supervised your election. Is that so? (No response)

THE CHAIRMAN: I understood the witness to say there was one who was out on strike and one who was not who supervised the vote.

WITNESS: Yes.

MR. G. E. MOODY (Kerr-Addison Employees' Association):

Mr. Chairman, Mr. Brunett belonged to the C.I.O. and went out on strike. He did not bring that point out.

MISS SEDGEWICK: I understood the witness to say the United Steelworkers were out on strike.

MR. FURLONG: Oh, no.

MR. BRUNETT: No.

THE CHAIRMAN: I think you must have misunderstood



Mr. Brunett, Miss Sedgewick.

MR. ROWE: I would like to ask the witness if he said they did not have enough money to hire a hall, and if so, would he care to say how their expenses were borne.

MR. GRAHAM: We asked our employees to make contributions to our organization, and they did so entirely voluntarily.

MR. FRANK COULIS: Mr. Chairman, as a representative of the Lake Shore Gold Mines Limited, I would like to ask when the constitution was drawn up.

MR. GRAHAM: In December, I think.

MR. FURLONG: Wright Hargreaves on the 27th November, 1942 and Lake Shore on December 9, 1942.

MR. COULIS: Q. How many points have you in your constitution? A. I could not say offhand how many points.

Q. You have holidays with pay, hospitalization, grievance committee, etc.? A. Yes.

Q. How many points have you altogether? (No response)

MR. HAGEY: There are fifteen points in one constitution.

MR. FURLONG: And ten sections in another.

WITNESS: Three of the elected twelve men signed that agreement.

MR. COULIS: Q. Were not nine points in those agreements brought up by the C.I.O.? A. Were they not brought up by the C.I.O.?

Q. Yes. The companies agreed to give them the nine points, but would not give them the first point,



namely, union recognition? A. I think that was brought out, Mr. Coulis, that it was just a bit of propaganda by both parties. Anybody can verify whether it was the C.I.O. or the committee that brought them up.

Q..Did not the company at Lake Shore bring out the hospital plan before this shop committee was formed?

(No response)

MR. GRAHAM: The Medical Association drew up that plan at meetings between the employers and employees of the various mines. I do not want you to get the impression that we are up against a labour organization. We take the stand that in the north country in the gold mines were: willing to give the fellows on strike everything but union recognition, and the fellows up there are satisfied so far. We hope through this legislation that the employers will be compelled to accept the union chosen by the majority of the workers.

J.A.SULLIVAN (Trades and Labour Congress):

Q. Mr. Brunett, I understand you went out on strike?

A. Yes.

Q. And if you had got compulsory collective bargaining the C.I.O. would have been recognized now as the bargaining agent?

THE CHAIRMAN: Is not that a rather speculative question?

MR. SULLIVAN: I am trying to bring out a point, Mr. Chairman.

WITNESS: You are supposed to ask me an open question that I can answer.



MR. SULLIVAN: Q. At the time of the strike the C.I.O. represented the majority group in Kirkland Lake and vicinity, is that correct? A. Well, they were asked to bring it out openly, and I believe they voted and it was supposed to be proved that they had a majority. Is that what you mean?

Q. Yes. Now, a few employees felt that they should not go out on strike, and during the course of the first month of that strike they set up a plant council, is that correct?

A. I do not think all the mines did. I was out on strike myself and could not vouch for them.

Q. There were a few that did not? A. I thought there were a few, too, until I returned to work and found that there were a hell of a lot of lies told right through the whole organization!

Q. We will not go into the question of lies told. The fact is that when you returned to work there were plant councils in operation?

A. In some mines, yes.

Q. Now, they became the pattern for the other people who were allowed to come back to work?

A. If they were willing to accept that pattern.

Q. Perhaps this is not a fair question, but I understand that about 200 miners went back and refused to join the plant council. Do you know of anybody who was fired for refusing to join the plant council?

A. We do not ask anybody to join the council. They can join of their own freewill, and we fight for the rights of every employee there, whether he be on strike or not.



MR. MOODY: Our association had an agreement under negotiation, and we have been recognized as the sole bargaining agent, but anything we enter into covers all employees; that is, there is no minority disfranchised, and the benefits we obtain for the men apply to all. As far as our association is concerned only members can vote to elect its officers, but in many of the mines in Kirkland Lake the employees' associations - and I believe this is true of Wright-Hargreaves and Lake Shore Gold Mines - give everybody a vote, C.I.O. men included. There is no coercion at all. They give a vote to the men outside the organization to determine who shall be the officers of the organization.

MR. FURLONG: As long as they are employees.

MR. MOODY: Yes, and eligible according to the constitution to be members.

THE CHAIRMAN: Q. Is there anything further, Mr. Brunett? A. We felt that we should bring down a delegation in view of the fact that earlier it was stated to the provincial government that gold was of no benefit during wartime.

THE CHAIRMAN: It is the first thing Hitler tries to grab in every country he enters.

WITNESS: We know that gold talks and will keep on talking, and that we must produce it if we intend to keep our dominion functioning the way we should, and help to win the war.

I should mention that our organization was a member of the C.I.O., and that is how we have our ten men



elected.

MR. FURLONG: Q. Mr. Brunett, Clause (2) of your brief says:

"We believe that employers should be obliged to enter into and abide by any collective bargaining agreement made with representatives of the majority of their employees."

You do not ask the government to force the employers to enter into agreements? A. No.

Q. You want employers to be forced to negotiate with employees? A. Yes.

THE CHAIRMAN: I beg your pardon?

MR. FURLONG: The witness says he does not intend to convey the impression that the employees he represents think the employers should be forced to enter into agreements, but they think employers should be forced to negotiate with employees.

---Witness withdrew.

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THE CHAIRMAN: Mr. Mikituk, do you desire to say something to the committee?

MR. MIKITUK: Yes.

JOHN MIKITUK, Sworn.

"WITNESS: Mr. Chairman and members of the committee, I was in Kirkland Lake when the organization started.

THE CHAIRMAN: Q. What organization? A. The Mine, Mill and Smelter Workers, affiliated with the C.I.O.



Q. When was that? A. Well, the organization was there when I got the job in 1938. Finally I thought we had a sort of company union in the mine where I got the job. Anything that was asked for through the company union resulted in men being fired if a little pressure was put on.

Q. To what mine do you refer? A. The Teck Hughes mine. Just to give you an instance, when we put pressure on the company to give us holidays with pay fifty men got fired. Any member present from the Teck Hughes mine will verify that statement. Then the workers of the whole camp decided it was not fair, and we had a picket line there and had a conciliation board which recommended that all those men be put back to work, but the company simply refused, and took one out of the fifty men back to work.

Q. The company took one out of the fifty men back to work? A. Yes. Then the rest of the workers were stirred up and thought that was not fair and said: "We will all join the union of our own choice and bargain collectively with them."

MR. HABEL: Q. When you joined the union to which you belonged were you not told that if you were to go on strike they would give you assistance? A. Yes, they did.

Q. Did you receive assistance? A. I have not come to that, sir. I will cover that. So when we finally got organized and thought we had a majority, which we did---



THE CHAIRMAN: Q. How did you know that? A. By the records on the book of the number of employees. So we got the conciliation board in again, and they recommended collective bargaining and recognition of the union, but the companies stood fast and would not even answer a letter that was sent in. Some would acknowledge the letter, and that was all.

MR. FURLONG: Q. And then file it? A. Yes.

THE CHAIRMAN: Q. And give it due consideration?

A. I think you have just as much experience as myself! So we decided to go on strike. Of course, there was quite a difficulty. The war was on, and the operators would not meet us only in Toronto, and we had to keep sending a delegation to Toronto. Finally we went through every legal channel to bring that strike, and finally it came to a legal strike. The vote was taken by the government men, and every man in the mine except the manager was entitled to vote! That was the proposal from the company. If a man did not vote, that was a vote for the company! If a man was in an asylum - and there are quite a few who are up there - he was still on the payroll and his vote counted for the company! (applause from the audience) This is no fun. This is straight facts. We finally beat them by about 8 per cent; we got 58 per cent after every Tom, Dick and Harry voted except the manager!

THE CHAIRMAN: Q. What was the vote for? A. A strike vote. We won the percentage, and we still tried to bring that collective bargaining about, sir, without



going on strike, and the government did everything in its power.

Q. That was the main issue? A. Yes, just the recognition of the union. All the employers had to do was sit around the table and talk to us, but they would not do so.

MR. HABEL: Q. Were you not also promised an increase in wages? A. No; only the cost-of-living bonus.

Q. And do you think that the company could have prevailed upon the federal government to pay you the cost-of-living bonus? You knew that it was a federal matter? A. No.

Q. You knew that the labour board, and not the company and not the unions, had the sole authority to decide the question of a cost-of-living bonus?

A. That is right.

Q. And still you were promised that? A. Yes.

THE CHAIRMAN: Q. Who promised it? A. We were promised a high cost-of-living bonus of 90 cents a week.

MR. HABEL: A. The union organizer promised it.

WITNESS: When we brought on the strike practically everybody went back on strike with the exception of a few. In the Teck-Hughes mine, where I was working, only six went back. Wright-Hargreaves kept on functioning. We were wondering how Teck-Hughes was operating, so three or four of us went out to where the slimes run off the mill, and when the slimes are



running they are milky in appearance, but out there the pure water was running! They were running the mill empty. We kept on strike, and the company started a "back to work" movement, and did everything in their power, promising almost everything under the sun, to get us back to work. They started the workers' council right after the strike and elected the council with a few men there, although there were 4000 men on strike who were already members of the union who were demanding collective bargaining or the recognition of the union. That is how the strike went on.

MR. ANDERSON: Q. Was that the only reason for the strike? A. Yes, to get the employers to sit down and bargain collectively or to recognize the union; that was the main issue of that strike.

THE CHAIRMAN: Q. So you think, as Mr. Sullivan's question seemed to indicate, that if the different mine owners had recognized the C.I.O. as the collective bargaining agent there would have been no strike at all? A. No; there would have been no strike.

Q. And the upshot of the whole thing is loss of wages and loss of production, and they now have collective bargaining and recognition of the union, but it is through the workers' council instead of the C.I.O.?

A. Yes. Then it was stated here that they offered us assistance. We had the finest assistance from the C.I.O., namely, \$9. a week, milk and fuel, and, where it had to be paid, the rent was paid.

MR. HABEL: Q. Was the fuel paid for by the union?



A. The workers themselves took a claim in the bush and went out and cut the wood themselves.

Q. And the Town of Kirkland Lake had to buy a certain amount of fuel? A. They supplied us with about 500 cords of wood.

Q. Were they paid for it by the union? A. I do not know; I was discriminated against and kicked out of Kirkland Lake.

THE CHAIRMAN: Q. After the turmoil settled down and reason entered into the picture again they would not take you back? A. They would not take me back, and there were many others they would not take back. Welland is full of Kirkland Lake strikers.

Q. With better jobs? A. Yes, I am making more money now than I did in the mine.

MR. FURLONG: Q. And it is a warmer climate down here? A. Yes.

THE CHAIRMAN: Q. You spoke very nicely and without any bitterness or rancour. A. Oh, no. The witness read it off that the majority should rule and should be recognized. Was the majority recognized when the C.I.O. had the percentage? No! (applause from the audience)

MR. BRUNETT: Q. With regard to the 58% majority, were you and I in the same brotherhood not told that if we voted strike there would be no strike? A. No.

Q. You bet we were, by American organizers? A.No; when we voted for the conciliation board and took that day off we were all told there would be no strike, and also we were told, and everybody believed from his own common sense, that there would be no strike, that the



majority would try to go on strike and the companies or the government would not allow it when the gold was so essential. That was the way they painted the picture.

Q. Who painted that picture? A. The operators claimed that gold was so essential that there could be no stoppage of work. When we took one day off the Northern News had an editorial page for two months afterwards about that loss of gold!

MR. ROWE: Q. Do you know that the then Minister of Labour, Mr. Norman McLarty, told the deputation of miners after the strike started that it did not matter whether the gold was in the ground or not? A. Yes, that is what he said.

MR. J.R. FOX: Q. You were speaking of the Teck Hughes mine? A. Yes.

Q. How many men were employed at the Teck Hughes mine before the strike? A. 700 men.

Q. How many are now employed? A. I do not know.

Q. You have given a lot of other figures, why don't you know that?

THE CHAIRMAN: Why do you say that? The witness stated that he is working in Welland now.

WITNESS: I did not give any figures.

MR. FOX: I would like to say that Tech Hughes has no representative here, but Teck Hughes is an old mine, mined out, and they are just cleaning up now. They closed one of the shafts and shut down about three-fourths of the mill---

THE CHAIRMAN: Mr. Fox, you may give evidence later



if you desire to do so. Have you any further questions to ask the witness?

MR. FOX: No.

THE CHAIRMAN: It is now one o'clock. We shall adjourn until two o'clock this afternoon.

---Witness withdrew.

---Whereupon the committee adjourned at 1.00 o'clock p.m. until 2.00 o'clock p.m.

(page 836 follows)



THURSDAY, MARCH 11, 1943.  
AFTERNOON SESSION.

---On resuming at 2.00 o'clock p.m.

THE CHAIRMAN: All right, gentlemen; you will please come to order.

Mr. Furlong, what is the business for this afternoon?

MR. FURLONG: Is Mr. Williams of the Sawyer-Massey Association of Hamilton present? Apparently he is not.

Is Mr. Ferguson of the Furniture Manufacturers' Association present?

THE SECRETARY: Mr. Preston is taking his place.

FURNITURE MANUFACTURERS' ASSOCIATION OF TORONTO.

JAMES PRESTON, (sworn).

EXAMINED BY MR. FURLONG:

Q. Where do you reside, Mr. Preston?

A. Stratford, Ontario.

Q. What position do you hold with the Furniture Manufacturers' Association? A. I am chairman of the Labour Committees.

Q. How many companies does the association embrace? A. That will be in the brief, sir. I have a small brief.

Q. Then you had better proceed with it first.

THE CHAIRMAN: I do not quite understand who Mr. Preston represents.

MR. FURLONG: The Furniture Manufacturers' Association of Ontario.



THE CHAIRMAN: Thank you very much.

Q. Are they members of the Canadian Manufacturers' Association? A. Individually. It is optional for each manufacturer as to whether or not he wants to be a member. I would say there is only a little percentage of the Furniture Manufacturers who are actually members of the C.M.A. I may be wrong, but it has no connection with us as far as this report is concerned. It is entirely from the Furniture Manufacturers.

"The furniture industry in Ontario is principally located in Central and Western sections. Many of the factories are located in the smaller towns and communities and offer the principal, and in some places, the only opportunity for employment in industry for the citizens of these districts.

The locations of these plants are,-

Arnprior	Bothwell
Cornwall	Chesley
Dundas	Durham
Elmira	Elora
Guelph	Hamilton
Hanover	Hespeler
Ingersoll	Kitchener
Kincardine	Listowel
London	Milverton
Meaford	Newmarket
Owen Sound	Paris
Preston	Strathroy
Southampton	Seaforth
Stratford	Toronto
Wingham	Walkerton
Waterloo	Woodstock
Warton	

There are fifty-five furniture manufacturers in Ontario who are members of this Association;--" The reason I give you this, sir, is to give you an idea of the field this industry is covering and operating



in under the Industrial Standards Act, which I will explain later to show the---

THE CHAIRMAN: I wish you would.

THE WITNESS: I will take you up on that, and I will try to do it. There are 55 manufacturers in Ontario who are members of this association. I only represent the 55, although a lot of these members attend our meetings, when there are special meetings on, and particularly when we are having our conferences in connection with the Industrial Standards Act.

"--and production from their factories exceed 70% of the total amount of furniture produced in the province.

None of these plants is of the so called large unit type, the majority having one hundred or less employees.

It is estimated that at the present time the total number of employees is about 5500, male and female, and it is further estimated that the number of employees who are members of trades unions is about 20% of total employment.

In 1935, when the Legislature passed the Industrial Standards Act, the furniture industry was one of the first industries to ask the Minister of Labour to call a meeting of employers and employees for the purpose of arranging a schedule governing rates of wages, hours of labour and working conditions, and since July 1935 the industry has almost continuously operated under a schedule as authorized by the Ontario Cabinet.



The terms of each schedule have been under the supervision of the Labour Department assisted by an Advisory Committee consisting of representatives of employers and employees. Through the operation of these schedules there has been established a greater degree of uniformity in factory conditions and the industry has gained a stability which has been beneficial not only to the industry but to the community as a whole.

The Advisory Committee has afforded opportunity to both parties to examine the problems of the industry from the standpoints of both employer and employee and this in turn has led to better understanding, with consequent more harmonious relations. This relationship, we believe, should be continued for the industry as a whole.

The industry in Ontario distributes goods throughout the Dominion in competition with goods produced in Quebec and British Columbia. The Quebec operations are governed by an agreement under the laws of that province, somewhat similar to that existing in Ontario but on a scale of wages lower than the Ontario scale and with a 55 hour week instead of a 47 hour week here.

It is our considered opinion, based on nearly eight years experience under the Industrial Standards Act, that nothing should be done at present to interfere with the progress we have made in that time in establishing harmonious



industrial relations with our employees and we protest against the adoption of any scheme or plan which would disturb our present tried method of securing such better relations.

Respectfully submitted by

FURNITURE MANUFACTURERS' ASSOCIATION

(Signed) James Preston

Chairman, Labour Committee.

Toronto, Ont.  
March 11, 1943."

You are very anxious to know something about the Industrial Standards Act and that being so, and as the chairman in particular would like to know something in respect of that subject, I will endeavour to show you how this has worked out to the benefit of the industry. When I say "industry", I mean the employers and employees.

As I stated in my brief, the Act was started in 1935, April 18th, in particular. The Furniture Manufacturers entered into an agreement which was gazetted on Saturday, July 27th, 1935. All the way through this labour movement the Furniture Manufacturers' Association, or the industry, have been leaders in respect of the cost of living bonus, your Industrial Standards Act and so on, as you can see by the data here. I think we are one of the very first who entered into an agreement. I will admit, sir, that the first agreement was rather crude. We were all trying to learn. As I go along I will point out to you particulars with



respect to the present Act under which we are working, as well as the different clauses of the Act.

I will skip some of this, sir, if you do not mind. These are just things which I think will be of interest to you.

First of all, in the Act, it says:

"(a) 'Association of Employees' shall mean a group of employees organized for the purpose of advancing their economic conditions and which is free from undue influence, domination, restraint or interference by employers or associations of employers;"

I may say, as I have already said, that there are a lot of shops organized, there are some not organized, but that does not enter into the picture at all as to their coming down here and sitting in at these different meetings. Before somebody asked me, Is your job organized? No. Do I have a man down here at these conferences? Yes. How is that man elected? He is elected by the majority of the employees. They can vote for anybody they like, and they are eliminated according to vote. The highest man then comes down here. A lot in the industry work on the same basis and those who are organized already send their representatives. I understand it works out on the same basis.

Referring again to the Industrial Standards Act:

"(b) 'Board' shall mean The Industry and Labour Board appointed under the authority of



the Department of Labour Act;

(c) 'Employer' shall include every person who by himself or his agent or representative is directly or indirectly responsible for the payment of wages to any person who comes within the provisions of any schedule promulgated by order-in-council as hereinafter provided;

(d) 'Industry' shall include any business, calling, trade, undertaking and work of any nature whatsoever and any branch thereof and any combination of the same which the Minister may designate;

(g) 'Officer' shall mean Industrial Standards Officer appointed under the authority of this Act;

(i) 'Wages' shall include any form of remuneration for labour performed and without restricting the generality of the foregoing shall include payment at an hourly, daily, weekly or monthly rate or on a production basis at a piece-work or unit price rate."

Then dealing with Part I:

"The Lieutenant-Governor-in Council may appoint one or more persons as Industrial Standards Officers whose duty it shall be to assist in carrying out the provisions of this Act and of the regulations and schedules.

Every officer shall have such powers and duties as may be prescribed by this Act and



regulations and shall have authority to conduct enquiries and investigations respecting all matters coming within the scope of this Act and of the regulations and shall, for such purposes, have all the powers, rights and privileges as a commissioner appointed under The Public Enquiries Act."

Then, it goes on to say that the Minister may designate zones. We have A and B zone. The larger centres come in one zone and the smaller centres, such as Chesley in the north come in under another zone. The benefit of the zones is reflected in the fact that the smaller places are paid two cents less than the bigger centres, like Toronto, Kitchener and Stratford. Of course, that does not affect the cost of living bonus.

Again, referring to the Industrial Standards Act;

"The Board shall have jurisdiction and authority to,-

(a) administer and enforce this Act, the schedules hereto and the regulations;

(b) hear appeals from the decisions of any advisory committee;

(c) with the concurrence of the proper advisory committee make an order amending the provisions of any schedule and such order shall be published in the Ontario Gazette and shall be effective on the tenth day after such publication;



(d) receive and collect wages due to any employee according to the provisions of any schedule and disburse the same in accordance with the regulations of the board;

(e) determine and designate which industries are inter-provincially competitive and with respect to any such industry;

(i) may approve or withhold approval of the provisions in a schedule with respect to the collection of revenue from employers and employees in the industry and with respect to the exercise by the advisory committee of any powers in connection with the collection of such assessments and the disbursement of moneys collected provided that the assessments which may be approved shall not exceed one-half of one per centum of an employee's wages and one-half of one per centum of an employer's payroll;"

Dealing with the advisory committee in connection with the assessment in these different conferences we have, there is no remuneration given by the employer or the employees of the government. This is all policed free of charge, as far as the government is concerned, and in that way there has been no cost as far as the government is concerned in carrying this out under the Industrial Standards Act in respect of the furniture industry.

"The conference may submit to the Minister in



writing a schedule of wages and hours and days of labour for the industry affected and such schedule may---"

THE CHAIRMAN: Mr. Preston, we know about the Industrial Standards Act. I remember Mr. Roebuck promised it. It was going to take the wolves out of industry. We have been hearing a lot about wolves since we have been sitting here.

I have been wondering how that was pertinent to the principle of collective bargaining.

THE WITNESS: All right; this is collective bargaining, sir.

Q. Yes, I understand that, but your submission is that there is no need for a collective bargaining bill--- A. I am saying you have a bill right here now which is effective if it is put into shape. It is already on your books and has been operating properly in an industry which has been properly carried out.

Q. We have access to the Act itself.

A. Yes. I am trying to show you it is on your books ready to function now without a change at all and could be worked out, as I am going to show you as I proceed year by year indicating the increases and the improvement in the industry which has taken place. I am trying to get you familiar with the Act as it is. You have so many different things, like I have, in mind. If you are refreshed you will get what I have in mind.

MR. OLIVER: Q. You say in effect that having an Industrial Standards Act we do not need a collective



bargaining bill. A. I am not saying that altogether. I am saying you have an organization there, or a piece of machinery with which to start.

MR. MACKAY: Q. Does the organization embrace a proportion of employees and a proportion of employers?

A. It has to, sir. Your bill definitely tells you that. It has to be called by the percentage of employers and employees. When a conference is called an employee does not have to sit in, nor does the employer.

MR. FURLONG: Q. Are you in favour of collective bargaining? A. This here is collective bargaining.

Q. Are you in favour of collective bargaining is the question I have asked you. A. I am in favour of collective bargaining through your own---

THE CHAIRMAN: Compulsory.

THE WITNESS: No, not compulsory. I said that in my brief, at the end of my brief.

MR. FURLONG: Q. Before I mention "compulsory" I ask you if you are in favour of collective bargaining with your employees. Are you in favour of sitting around a table and discussing the working conditions with their duly elected representatives? A. Yes, but not compulsorily.

Q. If you were in favour of doing that what objection would you have if it was made compulsory?

A. Because -- I can give you another long story which I would rather not do, which we have already gone through. It was brought out this morning very emphatically promises were made which were never carried



out.

MR. NEWLANDS: By whom? A. Your friends.

Q. Our friends? A. I thought it was somebody back there. I mean these organizers who come in and promise the men a lot of things.

MR. FURLONG: Q. Dealing with the question of organizing, what difference does it make who organizes the employees? Is it not their business if they wish to be organized? A. I have told my employees many a time that I have no control over their time or where they go at night, whether it is the hall of the Knights of Columbus, the United Church, or so on.

Q. And, if they wish to organize into a union that is their business? A. Yes; but whether I want to recognize a union is another story.

Q. If a majority of them choose a union as a bargaining agency, what difference does it make to you if they want a union as a bargaining agency?

A. None at all.

Q. Then, what objection could you have?

A. As I said, I do not want it compulsory.

Q. As I see it, you do not object to it; you have no fear of anything, but you do not wish to be compelled? A. That is right.

THE CHAIRMAN: I just placed you, Mr. Preston, a few moments ago, and I am wondering if you are not the gentleman who used to be quite a hockey player winning Allen cups for the T. Eaton Company and so on. I have now placed you.

THE WITNESS: Yes.



Q. There are harmonious relationships in your industry but, as Mr. Furlong says, here you are actually carrying out the practice, because you are the type of fellow who will sit down and talk with your employees and you are quite glad to do it, and you do it voluntarily. Why do you need to be afraid of compulsion when you are doing the very thing yourself?

3/ A. In 1933 in Stratford this trouble started.

Q. It did? A. That was one of the reasons why your Industrial Standards was incorporated, to overcome that difficulty. What was the trouble? These men came in from outside and gave them all the promises of the city of Stratford. Did they get it? No. Was my factory affected? Yes. About fifteen per cent. walked out on strike. I closed the plant about eleven or twelve o'clock that day. They got back to work by going to a solicitor in the city of Stratford, getting him to draw up an agreement with me and it was presented to me in the morning. We went over it in the afternoon and we were working the next morning. They sat in my house until even two and three o'clock in the morning discussing it. There were twelve members there. I said "My house is wide open for you to come in and discuss it at any time", which they did, but they could not get them to agree to anything they wanted, you see. It was the next morning they went down to a solicitor in Stratford and he drew up the agreement and they were back next morning.

MR. HAGEY: Q. Does that prove the need of



someone to direct? A. Yes; correct, but these men know more about my business and their own problems than outsiders.

THE CHAIRMAN: Q. Is that not so in any industry? We are not criticizing you for anything.

A. You are asking me questions and you are putting me on the spot in asking me "Why". I am telling you why. We in the furniture industry, business, have been all through this. Stratford went through it first. We knew what the agitation was.

Q. You will probably agree that times have changed a bit, and there is a different attitude? A. Yes; but I am saying your Industrial Standards Act is all there and it can be worked, and worked properly.

Let me go on, if I may. Excuse me for being side-tracked, but you are responsible. Do you want me to go on with this?

Q. We do not wish to stop you if you think you need to quote those sections in order to prove your case. A. Here are the different things. I will jump a little bit.

Q. We do not want to hurry you.

A. Now, you are getting me all balled up. I am office boy as well as head of my organization, sir.

Then we come to the conference report, and I would like to say that we have established the maximum number of hours comprising of regular working days and prescribed the hours of the day during which such hours of work may be performed, and we have established the maximum number of hours comprising the regular



working week. We have also established the minimum rate of wages for the minimum hour, regular periods.

May I just read the Act covering that? It says:

"(a) A regular working week shall consist of forty-seven (47) hours of labour to be performed during five and one-half (5 1/2) regular working days;

(b) A regular working day shall consist of eight and one-half (8 1/2) hours of labour on Monday, Tuesday, Wednesday, Thursday, and Friday and four and one-half (4 1/2) hours of labour on Saturday before 1 p.m.

(c) Employees who are engaged only on night shifts of not more than forty-seven (47) hours per week, shall be deemed to be employed during a regular working day and a regular working week."

What is meant by that, sir, is that the night shifts can work five days and put in their forty-seven hours. As long as it does not go over the forty-seven hours during the week it is not over-time. This is the Employee and Employer agreement in the furniture industry in Ontario.

"(3) Any person who performs work in the industry except as hereinbefore provided, shall be deemed to be doing over-time work and except while working on a night shift any person who performs work in the industry on New Year's Day, Victoria Day, Good Friday, Dominion Day, Civic Holiday, Labour Day, Thanksgiving Day, Armistice



Day and Christmas Day, shall be deemed also to be doing over-time work."

Those are the days which were allowed. Time and a half for over-time is provided.

May I dwell on that for a moment while I am dealing with it. Back in 1940 and 1941 the code was changed from time and a half to time and a quarter. It remained that way in 1941 and 1942. The new agreement this year, which started on October 16th and ends on October 15th, 1943, calls for time and a half. It was put back. The employees wanted it and we were quite agreeable to give it to them. When they were making the time and a quarter they were being paid time and a quarter on the cost of living bonus plus their basic rate. Today they are being paid according to the government legislation, just on the basic rate.

"(5) The employees in the industry are hereby "classified as follows:

Class A shall consist of all employees other than those in Class B;"

While we are talking about Class B, when the original schedule came out it was a headache. Each operation-- the swing saw, the rip saw, and so on -- was classified as A, B and C. Of course, everybody was an A operator whether or not his operation was classed in that particular outfit. That was changed over to A, B and C. There was no designation as to the classification of the glue joiner and so on. They were all set up first and it was a headache because everybody had a different opinion of their ability



and what the operator did. So, that was eliminated.

The next code which was brought up was brought up on March 31st, 1939.

"Class B shall consist of male employees who have had less than four years' experience in the industry."

That is section A of Class B.

Section B of Class B:

"Under twenty-one years of age and who are under twenty-one years of age on the date when they commence work in the industry."

I think you will agree with me that after 1918 apprenticeship systems were practically dropped. Everyone specialized just as they are doing to-day. That is, in the last war. We had cabinetmakers and the rest of them. It just carried on and nobody wanted to learn a trade. They wanted the same rate per hour. When I started to learn my trade I received \$2 a week for fifty-nine hours a week and I thought I was the richest man in town the first pay I received.

THE CHAIRMAN: You did better than I; I only received \$1.50.

THE WITNESS: Someone should have offered that to me first. We have now broken those boys into four years, and their set-up is 19¢. The figures I am giving you are basic rates, and I will cover the cost of living bonus afterwards. 23, 26 and 29¢ plus their cost of living bonus is what they get. If a



boy goes from our plant to another plant he carries his two or three years apprenticeship with him and starts off with where he left my plant.

MR. NEWLANDS: Q. But, you said you did not have the apprenticeship system in there. A. I did not say that, sir; I said the apprentice system in the country, whether it is in respect of woodworking or anything else, was shot after the last war. The Ontario government came back with legislation in 1928 incorporating an apprenticeship system, set up, to try to get the boys into industry and learn trades so they could have something upon which to fall back. In other words, if a boy had a hammer and a monkey-wrench he could drive a nail and tighten a bolt. We tried to get the mechanics to get after the boys to work because it was a matter of those lads passing on. They saw the trouble themselves, and worked it out. I did not say we did not have, that there was not any apprenticeship system. It is right in these clauses.

Q. I misunderstood you. I am sorry.

MR. ANDERSON: Q. You have a schedule set up here for beginners. A. That is what I mean by "the boys." Their age is covered in Class B, section B. There is nothing to stop you from advancing one boy who shows a little more ingenuity and progresses more quickly than another. You will naturally move him along and you increase his rates. That applies to all.

Q. That is, you give him the three years' rate



in the second year?      A. Yes.      You will notice in your schedule we are only allowed 20% boys in our industry.      The larger manufacturing industry is allowed 25.

MR. MACKAY:      Q. Who drew up these regulations from which you are quoting?      A. The Ontario government.

Q. The Department of Labour?      A. Yes, sir.

Q. Did the joint committee of the employees and employers sit in with the department?

A. Absolutely.      We formed a policy and we entered into an agreement and the Labour and the Legal Departments came along and gazetted it.      We okayed it.

Q. The employees elect their representatives?

A. Some of them are sent down by their different unions.      Those who are organized send their own representatives.      Those who are not, the employees bring down their own.

I will now ramble along.      I would like to give you a little comparison now of when this schedule started. In 1935 what we call the "A" skilled rate was 47¢ an hour, semi-skilled 37, and the unskilled 30 and 32. That started at 30¢ and in six months we increased it to 32¢, the boys at 17¢, and we had nine holidays. There was Armistice Day, which was eliminated later. I have figures, if anyone is interested, for each year, but I am just going to give you this year in order to show you the change.      We have a minimum rate of 40¢. I am quoting from my own district.      We have eliminated the A, B and C section two years ago.      We found out that this other worked out better and we



have just the one "A" group now. We cannot pay less than 40¢ to anybody who is not physically fit. He gets today 9¢ an hour cost of living bonus.

Q. You said something about you could not pay less than 40¢ an hour to a person who is not physically fit.

A. Who is physically fit. The boys today are making nineteen, twenty-three, twenty-six and twenty-nine cents plus their 15%. Time and a half over-time an hour averages up to 56¢. The increase from September, 1935, to January, 1943, was 51.5% in wages. From June, 1939-- that is, June 30th, 1939 -- which was the last year before the war, it was 44%.

A lot of the plants give rest periods of ten minutes each, twice a day, and if you take time and figure that out you will find it is equal to two weeks holidays with pay. On top of that they get their week's holidays with pay in some places. That is entirely up to the organization sponsoring the company. That is, it is up to the organization as to whether they feel they can afford it. It is not up to us as an association to say whether they can or cannot. It has been recommended but that is as far as it goes. It is up to each organization to say whether or not they can afford to pay.

To give you an idea or to back up the statement I made that the furniture industry was one of the first to go into a code which involves collective bargaining-- and we were one of the first to establish a cost of living bonus -- in October, the 6th of October, 1941,



there was a statement in our agreement that we would pay the cost of living bonus of 5¢ an hour to which it figures out. We did not know whether the Federal government would recognize our code when the new legislation came out. This was gazetted on October 25th, 1941. On October 23rd, we had a letter from the Federal government advising us as follows:

"It has been declared by the Department of Labour, Ottawa, that as the terms of our new schedule were arranged previous to any announcement regarding the new policies of the Dominion Government, there would be no interference with that schedule by the Ottawa authorities.

This means that you can proceed just as if there had been no speech by the Prime Minister last Saturday."

We have acted accordingly and we issued our new legislation to comply with it. The first year that was in effect for the first six months we paid 5¢ an hour and for the balance of that year we paid an additional 2¢. When our agreement expired, again, in October, 1942, we adopted the entire legislation of the Federal Government, and this Act reads that each employee is paid \$4.25 -- that is, a male employee Class B. In other words, we have been paying \$2.68 and \$4.25 since the cost of living bonus came in. We have been doing it right along without any hesitation. We have tried to keep our legislation right up to the minute. I am giving you this in order to show you it



is possible to do these things under the Industrial Standards Act. It has been done and is being done.

As you know, under your legislation of April, 1942, set out by the government -- and I am reading from a letter of the Department of Labour, Toronto:

"Employees who have been previously paid cost of living bonuses --"

I am showing you it was not necessary for our furniture industry to pay that cost of living bonus unless we felt we could or should do it. We want to carry on, which I think shows you we are anxious to work in with what is going on.

To show you the harmony which is in the industry I have in my hand the minutes of the last advisory board meeting. You all know what they are supposed to do. The chairman of this board was Mr. Ehmke, who was previously a furniture worker, and who is a very excellent chairman and a very excellent man, sir. We are very pleased to have him as chairman of that committee. Mr. Ehmke is now in the Department of Labour here in Toronto working in an official capacity. We have two representatives from the furniture industry, one representing the north, and myself the south. We have the same thing with the employees -- a man from Owen Sound and another one from Preston, Ontario, so we have a man from A and B zones, in both cases, to administer these laws. This meeting was held on February 10th. We have quarterly meetings, sir, to consider the cost of living bonus and to deal with any complaints or any grievances which



may come up. Mr. Patterson Farmer and Mr. George Chambers were there. This is the first meeting held under the new schedule:

"It was moved by Mr. Eggiman, and seconded by Mr. Hicks, that Mr. Preston again act as secretary for the advisory Board."

That is the reason I happen to have it. I stole it upstairs,maybe. I am presenting this to the committee in order to show there is harmony in our industry. Do not look at your watch, sir; there is lots of time.

"The secretary read a letter from the Minister of Labour, appointing the members to the Advisory Board with Mr. F. W. Ehmke as chairman.

To have the new members of the Board acquainted with the last meeting of the old Board, the minutes of the last meeting were read and adopted. The motion was made by Mr. Fitton and Mr. Eggiman."

I will not read the balance.

The only business we had was that of dealing with the people who were asking for special rates.

"We had the following applications for handicapped workers:"

There is really nothing else in respect of the meeting except that our next meeting is to be held on May 19th, when all matters of this kind will come up again.

In connection with the proposed collective bargaining, sir, in which you are particularly interested, we feel as an organization that



collective bargaining is going to be, and, as I have explained to you, we recognize in our industry it would act in the way we have worked it out.

Any collective bargaining act should permit the continuance of the present machinery for good industrial relations now existing in many plants in the province, such as employees' representation plans, works councils, independent unions, or joint committees, the latter being particularly applicable to small plants. Someone made reference this morning to the Wagner Act. We know that has been operating on the other side of the line, to the south of us, successfully, but not successfully for both parties. I was in a plant this week in which the employees, themselves, have a matter coming up in the Supreme Court in an endeavour to get straightened out under the Wagner Act some difficulty. As far as the arrangement in the factory is concerned it is fine. However, there is something the Act tries to make them do but which the employees do not wish to do. I am sure the learned gentlemen at this table will take that into consideration in revamping the Act. That is occurring all over the country. It was urged on the governemnt that individual employees or minority groups should be allowed freedom of association and freedom to work without being obliged to join a union or maintain their membership therein.

The check-off system of collecting union fees should not be permitted and certainly should not be made compulsory.



THE CHAIRMAN: Nobody has asked for it.

A. I know, but that does not stop me from saying it.

Q. You do not advocate that? A. No. I am just trying to---

Q. No one has asked for it. A. What I am getting at is the fact that we are now acting as collection agents for the workmen's Compensation and the Federal Government in respect of bonds and stamps and all the other things. We have plenty to do without adding another burden on our list.

It is further suggested that unions should be made more responsible for their actions, by incorporation or otherwise. As I explained to you before, I cited the Stratford case for you, and the reason for that particular case. Unions should be required to register and to file copies of their Constitution and By-laws, a list of their officers, and an annual statement of income and expenditures, the same as we in industry do. Unions should be forbidden to use intimidation, misrepresentation and other unfair practices, with penalties for infraction.

That is roughly the story of the Industrial Standards Act. I hope I have been able to give you a little idea of what we in the wood furniture industry have tried to accomplish and which we feel we have accomplished. I hope I have talked enough that there will be no questions I will have to answer.

Q. Do you know of any factories in your



industry which have been requested to sit down and bargain collectively and which have refused to do so?

A. Not to my knowledge. As far as I am concerned I cannot even tell you what the local plants are doing. I am running my own business and minding my own business to suit myself. I know we have our committees, recreation clubs and things of that kind in Stratford and some of the other places. There are meetings the same as in my plant in respect of any production problems and grievances.

Q. You mean in recreation quarters?

A. That is one section of our baseball and soft-ball programme, but we have a separate committee again composed of a man elected from each department to take care of his particular department.

MR. GADD: Mr. Preston, you say in your opinion there is a collective bargaining bill in effect at the present time in the Industrial Standards Act?

A. Yes.

Q. Is it true that if a group of employees is to have a code set up it would also, at the same time, have to have employers apply---

A. No, no.

Q. A group of employees? A. No; employees or employers can make application to the Minister of Labour for a conference but the employer or employee does not have to respond if he does not want to.

Q. That is what I want to know.

MR. A. A. MACLEOD: This gentleman has said he has no objection to the principle of collective bargaining. In saying that he infers he has no objection to the



employees in his plant organizing into a free association, but he goes on from there to say that whether or not he will recognize them he will not say.

THE CHAIRMAN: He says he, himself, does negotiate with his own employees, but does not want to be told he has to.

THE WITNESS: That is right.

MR. MACLEOD: Q. Is this a union?

A. No, sir. I explained we have no union in our factory.

Q. But let us suppose that either one of the A.F. of L. unions or C.C.L. unions were to organize your plant and the majority of the employees were to choose either one or the other of these bargaining agencies, would you have any objection to signing an agreement with them? A. I will sign an agreement with my own employees and no one else.

Q. That is not my question. Let us say the international association--- A. As I explained a minute ago my employees know my problem, I know their problem, but the man from the outside does not know anything about the industry.

Q. My concrete question is, let us suppose the International Union of Upholsterers were to organize your plant and the majority of your employees were to become members of that union through a properly constituted vote, it being an A.F. of L. union, would you have any objection to signing an agreement with that union? A. The boys can be members of any



unions. There are lots of unions in Stratford. Take the Canadian National shops, they are all unionized.

Q. You would not have any objection whatever to signing an agreement---

THE CHAIRMAN: That would depend upon the terms of the agreement.

THE WITNESS: Certainly. Why ask me a question like that?

Q. Would you negotiate? A. This chap said he might be able to write it but he might not be able to put the terms in it.

MR. MACLEOD: Q. Would you negotiate with them?

A. Certainly. As soon as they got something which was agreeable to both of us how long did it take them to go to work? That answers your question.

Q. Since you are ready and willing to negotiate with and perhaps sign an agreement with such a union as this, any legislation which may be passed would not be penalizing you; it would be only people who, unlike you, are unwilling to sign agreements.

A. That, of course, applies in any industry of any workmen. Here is a man, an employer here, and if he says "Yes" that is all I want to know. The same thing applies to any employer, but it may not apply to his nextdoor neighbour.

THE CHAIRMAN: I think your presentation has been very frank and fair.

Are there any questions by the members of the committee?

MR. FRED GILBERT: Q. Do you believe when



employees join a union they join that union in order to get the benefits which are not provided within their plant? What I mean is by joining another union they get information and come in touch with other things and quite a lot of things which, not being organized within their own plant, they are ignorant of? A. I did not get the first part of your question.

MR. FURLONG: That is an educational question.

THE CHAIRMAN: You are asking the witness to give an opinion as to what is in other people's minds.

MR. GILBERT: He made the statement that he would deal with his employees only. I take it he would not deal with his employees if they were affiliated with any other union.

THE WITNESS: If you were listening you would have heard that I have no objection to that man going to the Knights of Columbus, the United Church, or any other "Union".

MR. FURLONG: Very well; thank you, Mr. Prescott.

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MR. FURLONG: The next presentation is to come from the Packinghouse Workers Organizing Committee.

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PACKINGHOUSE WORKERS ORGANIZING COMMITTEE.

MISS MARGARET SEDGEWICK, (sworn).

THE WITNESS: This delegation, sirs, represents the Packinghouse Workers Organizing Committee. We realize there have been very comprehensive representations made so far, but our members are very anxious



they should add their voice to the representations of the other branches of the labour movement -- it is something like the debate on the Speech from the Throne, everybody wishes to go on record. We have endeavoured to keep our brief down to items within our experience outlining anything we think should be included in the Act.

The president of the Sub-District Council of Eastern Canada will present the brief to you.

MR. FURLONG: Very well.

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R. J. SMITH, (sworn),  
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EXAMINED BY MR. FURLONG:

Q. Mr. Smith, what is the Packinghouse Workers Organizing Committee composed of? A. It is a branch affiliated with the C.I.O. and also the Canadian Congress of Labour.

Q. Your office is that of president?

A. President of the Sub-District Council of Eastern Canada.

MR. MACKAY: Of what?

THE WITNESS: The Packinghouse Workers.

MR. FURLONG: Very well; proceed. A. Thank you.

"This delegation represents the Ontario locals of the Packinghouse Workers Organizing Committee. The P.W.O.C. is an international union, affiliated to the Congress of Industrial Organizations and in Canada to the Canadian Congress of



Labour.

The P.W.O.C. is a young union in Canada - just about two years old. However, in those two years we have had a variety of experiences which illustrate the reasons for organized labour's united request for a compulsory collective bargaining act.

In May, 1941, one of our first local unions reached the stage of organization when it asked the employer for recognition and an agreement. The employer refused to deal with the union and attempted to set up a company union. This was unsuccessful because only about 25 of the workers would even vote in an election for employee representatives which the company attempted to hold. A walk-out took place as a result of which a Conciliation Board was set up. The Board recommended that the employer deal with the union. The employer again refused. There was then a strike lasting several weeks, at the end of which time a compromise settlement was reached. By this time, of course, considerable bad feeling and dissatisfaction was evident among the workers, which made harmonious employer-employee relations within the plant almost impossible. In the months that followed, the members complained that the management was doing everything possible to break the union; there was constant friction and the union representative was kept running back and



forth trying to straighten out difficulties. The situation came to a head in May, 1942, when two union members were fired, unjustly according to their fellows, and the company refused to submit the case to arbitration. A walkout occurred, but the workers were persuaded to return to work the next day. When they presented themselves at the plant gates they found themselves locked out by the company. The Federal Department of Labour appointed an Industrial Disputes Inquiry Commissioner to investigate and make recommendations. After a number of hearings, the Commissioner recommended that the employees be taken back on a seniority basis and the discharge cases submitted to arbitration. The union agreed to this settlement but the company declined to agree. The Government then ordered Selective Service to refuse the company permits to engage any new help. This has been the position since last summer. For all these months that plant has been on about 50% production of essential foodstuffs, both for domestic consumption and for export to Britain, - all because the management was determined to keep the union out. We are glad to report that within the last month there has been a change of attitude and a satisfactory settlement of this case is in process of being reached. But all this trouble, ill-feeling and loss of production could and would have been avoided if collective bargaining had been mandatory when the employees first approached their management almost two years ago.



We have had experience with company unions, too. Our union has: replaced this type of organization as bargaining agent in several plants after a government-supervised vote. We want to point out, from our observation, that the 'independence' of a one-plant organization is not proved by adducing that the organization holds an election in which management does not interfere. Much more important is what happens to the officers or committeemen after they are elected. Too often, we find, they become 'company men', around whom the management can build up a discreet system of espionage."

THE CHAIRMAN: Explain what you mean. You mean after a battle there is collusion?

A. Between management and the officers elected we have found in a couple of unions.

Q. You are referring to company unions? A. Yes.

Q. You think that would not apply in another union? A. No. I have never heard of it.

"We have heard officers of a company union who were hostile to and working against our organization, tell company officials who were boasting of long years of harmonious employer-employee relations, that the workers were afraid to present grievances to the company union representatives. This is especially liable to happen if the representatives are not instructed by and held responsible to a regularly-meeting body of the employees. No



employee organization, we submit, should be held to be 'independent' or given recognition in any collective bargaining act which does not insist on the responsibility of its officers and committees to its membership.

Our union has not always been in trouble; there is a sunny side to our story. We have made agreements with employers who accepted the union as soon as the majority of their employees had chosen it. One of them, at the end of the first year of the contract, had this to say: 'With Local ... as sole bargaining agent for our employees, the company recognizes the right of our workers to have an organization of their own choosing and we are satisfied that we are attaining better employer-employee relations.'

The P.W.O.C. wants a compulsory collective bargaining act because we want to see the end of the little civil wars that are being waged in many plants in this province and to get down to carrying out the true functions of a union.

In our industry the first job to be done is to raise the working and living standards of our people. One scarcely needs to mention the word 'packinghouse' to call up a picture of low-paid, underprivileged workers - the picture that was brought to light by the Price Spreads Commission in 1934. Conditions are better since those revelations, but there is still plenty of room for improvement. However, in the packinghouse field



there is another special situation, in that a large number of the workers are either foreign-born or the children of foreign-born parents. The union can render a service to these new Canadians that perhaps no other organization can give - it it is not kept preoccupied by the struggle for existence. In the first place, it brings together good, bad and broken English speakers for common activities and the discussion of common problems. This not only trains our members in self-expression but creates a feeling of unity and fellowship. In the second place, the union meeting gives the new Canadians, as well as others, information about national and international events of general interest to all citizens. For the local union does not confine its discussions to the affairs of its own plant. It can debate and pass resolutions on anything from the foreign policy of our Government to the desirability of tablecloths in the lunch-room. It can thus be an integrating medium for different racial groups in the community and a training-school in the techniques of democracy. This is what we want the P. W.O.C. to be. We want to spend more time and attention on education and on cultural and recreational activities. But we will only be able to do so if we first get a genuine collective bargaining bill.

The P.W.O.C. believes that there are certain fundamental requirements if a collective bargaining bill is to be adequate.



1. We agree with all other sections of organized labour that collective bargaining with the freely-chosen agency of the majority of workers in any bargaining unit should be made compulsory. We disagree with the position if the Canadian Manufacturers Association that any minority of employers, however small, should be permitted to defy the wishes of their employees in this regard. The trouble and disharmony thus created have repercussions beyond the particular plant in which they occur. The other locals of the union involved - and sometimes the whole labour movement - become disturbed and agitated.
2. We ask that 'company unions' be outlawed by the bill. We are convinced that such organizations cannot be truly representative of the wishes of employees. We are opposed to any interference whatever by the employer in the organization of his employees. Workers must stand on their own feet, make their own decisions and profit by their own mistakes, if they make any. Paternalism, even the benevolent form, is not good for any group of men or women. It breeds isolationism and self-centredness, which has been one of the curses of modern society. Workers must take an active and intelligent interest in the affairs of their community, if democracy is to be maintained, and interest in the problems of their own industry and fellow workers is a good place for them to



begin.

3. We are opposed to incorporation or compulsory registration of unions, especially any madnatory provision for filing of financial reports. Our union regulations provide for financial statements to the membership at their monthly meetings. Our International Office made regular audits of the district and local union accounts. We believe that this proposal from employers is based on a desire to be able to ascertain the financial position of any union in case of a dispute and might have the effect of stiffening resistance to a relatively weak union in the early organizational stage. This is a consideration which has nothing to do with the merits of a dispute and should not be introduced.

4. We have studied the brief to this Committee of the United Steelworkers of America and, without repeating their arguments, which we consider thoroughly valid, emphatically agree that special administrative machinery should be established to carry out the provisions of a collective bargaining act. Our opinion is based on our own experience of court proceedings under Section 502A of the Criminal Code and of hearings before Boards of Conciliation and Industrial Disputes Inquiry Commissions. We recommend that a board be set up under the act on which specially-qualified persons will serve and through which a body of jurisprudence may be built up around the complicated but important subject of industrial relations.

5. We also agree with the United Steelworkers



that the enforcement machinery provided in any collective bargaining act will be the test of its adequacy. We believe that penalties should be provided and that their application should take effect within a specified number of days after the administrative board has made its findings, without appeal to the courts on the facts of the case.

6. We would object to the inclusion in the act of any provisions dealing with possible non-fulfilment of contractual relations entered into between an employer and the bargaining agency of his employees. We submit that this bill will be enacted, if it is enacted, to guarantee to workers a right which is now universally admitted but which has been found in this province to be in some instances denied. The regulation of contractual relations is another matter entirely and is out of place in a bill to guarantee collective bargaining.

7. We request that provision for check-off of union dues be made in the collective bargaining act. This should only, of course, be obligatory on employers if the local union asks for it by a majority vote of its membership. And the rights of the individual member should be preserved by a clause stipulating that any member may be excepted from the check-off on written application to the management. We wish to point out that the check-off is not the bogey which some would seek to make it. It is merely a convenience extended to workers in the same way in



which deductions for war savings, Red Cross and similar purposes are agreed to by employers. The purpose is to release the energies of the most active and capable union members for more exacting duties than the collection of dues. We repeat that unions which prefer to collect dues themselves would not be compelled to arrange for the check-off and we draw the attention of the Committee to the fact that its inclusion in the Nova Scotia Trade Union Act has not imposed any intolerable burden on employers nor acted as an anaesthetic on the unions, which are among the most active in the country.

In conclusion we wish to express our conviction that a large proportion of industrial workers do want to be organized in recognized labour bodies, notwithstanding the small percentage of those enrolled to date. We would point out that one reason for the low figure is that until recent years there have been very few unions in which unskilled and semi-skilled workers were eligible for membership. This is certainly true in the packinghouse field. Now that we have offered these workers assistance, we are overwhelmed with requests for organizers and our small staff cannot begin to get over all the ground. We know that this is true also of other industries with a similar type of working force. We believe, therefore, that the Committee can rest assured that in recommending to the Government the kind of legislation which organized labour has suggested to it, it will be complying with the desires of the great majority of industrial



workers in this province."

That concludes the presentation of the brief.

MR. FURLONG: Q. You go further than your parent body in regard to check-off? A. Well, at the present time, in the local in which I am, myself, we have a check-off.

Q. But you have negotiated it? A. We have negotiated it in our agreement, yes.

Q. All we have heard so far from anybody is that if check-off is provided for in an agreement the law provides that is not illegal but that no compulsion is provided for. That is, I take it, you are not very serious about that? A. Well, in the check-off I should imagine if we got it in any union agreement we would be all right.

Q. It is a matter of negotiating an agreement, same as you negotiate for hours of work and wages, and so on? A. Yes.

MISS SEDGEWICK: Mr. Chairman, I know it has not been included in the representations of other bodies, but I know there are a large number of unions in favour of it. Our members certainly are and have always asked for it in entering into negotiations. We think there has been a lot of unnecessary feeling aroused about the word without, perhaps, any understanding of the word. We think seeing it is already included in the Trades Act in this country probably this committee should consider that point especially in view of the fact there have been representations made in respect of



it. Our underlying feeling about it is that the purpose of trade unions, as opposed to what the attitude of some manufacturers seems to be, in a plant actually helps an employer in an industry to conduct his efforts rather than hinders them. If it is accepted, it will do that. In those circumstances the employer will be helping himself if he helps the union.

This matter of checking off the union dues is, as has been said in the brief, a convenience to the union. It saves the time of the officers and a lot of unnecessary bookkeeping. We think if anyone did not wish to have his dues checked off he would not have to do it. We think it is the same modern development as that which is shown in the checking up of income tax. It is new and, on that account, it should not be discouraged. It is most effective in checking up Red Cross contributions and War Savings Stamps and in this field why should it not be introduced because, as we say, the time of the union members may be spent more advantageously both for themselves and for the companies with which they are dealing.

THE CHAIRMAN: They will have these companies spending so much time checking off things they will not have any time to tend to their business.

MISS SEDGEWICK: We take the attitude that the check-off of the union dues is far more easy than anything else. Generally, it is a dollar a month and in most of the C.I.O. unions that is what it is. It is one of the simplest kinds of check-off which can be



made.

THE CHAIRMAN: You know, some of the larger unions advocate very seriously against check-off and they maintain wherever there is check-off it is detrimental to the union itself, because it makes it too easy for the union. That is, I think, the allegation of the A.F. of L. and many of the C.I.O. unions. However, it is a point for the consideration of the committee.

That is all?

THE WITNESS: I have another member of the delegation I would like to speak. I would like to call on Bro. Harper.

MR. FURLONG: Miss Sedgwick, is that all?

MISS SEDGWICK: It is, sir.

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JAMES HARPER, (sworn).

THE WITNESS: I would like to state the case of our own relation with the company with which we signed an agreement almost two years ago.

THE CHAIRMAN: What company?

THE WITNESS: Lever Bros. Limited.

Q. Of Toronto? A. Yes. We have probably the finest relation of any union-management agreement in Canada, but we should go back as far as 1936 when we first tried to organize a union of our own in that plant. It is rather a good example of the attitude in Canada, of what is lacking as far as legislation is concerned towards the enforcement of labour negotiations.

In our plant at that time there was quite a feeling



then that conditions were relatively good. They were not good, but they were relatively good.

Q. How many employees are ~~there~~ there?

A. There are 700 there now. At that time we tried to form a union. The answer we got then was that there was a company which extended all over the world and, "If we sign an agreement it would affect all the other companies", so, therefore, they could not sign one. What we did land into was a sort of independent union. It was not a company union. We had a certain amount of independence but we found the company would not sign an agreement but would rather have a state of gentlemanly relation. All the agreements were verbal, and unless you actually managed to keep records of the thing you depended mostly on your memory. The company kept records and we had none. Finally, they established relations with the company in the end and by taking a vote they agreed to a collective bargaining agreement. We have the maintenance of membership and check-offs. We believe that from the statement of the company and ourselves our relations with the company have improved conditions in that plant also from a point of co-operation with the company and on the part of the employees they have improved conditions in the plant 100%.

The peculiar part of this thing is that this attitude towards unionism is most peculiar to Canada. Our company as it stands is probably situated in every country of the world, probably established in every country of the world. In every country of



the world there are recognized unions. In the United States they have federal locals of the A.F. of L. Only in Canada when we approached them did we find any attitude of antagonism towards it. It is part of their business. They look upon it as part of ordinary business to deal with the workers and the problems of the workers. The fear of unionization here was fear by management, Canadian management at that time. They did not understand labour in every other part of the world and although it was recognized at that time they were afraid of it. Time has shown that we have improved conditions in the plants by signing agreements.

Q. Without any legislation? A. Yes. There should not be any fear of signing agreements. I do not know whether I am entitled to refer back to one of the previous witnesses heard here, but he referred to the Industrial Standards Act and to me to what he was actually referring was that there should not be such a thing as compulsory agreements. He did not mention anything about getting down to sitting around the table. If you agree to negotiate in the first place then you can compel those sitting around the table to agree to something. However, that is not the question here. The question here is the recognition of unions. It is probably one of the most important things you face today.

That is about all I have to say.

MR. FURLONG: Thank you very much.

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MR. FURLONG: If Mr. Edward James Young is present would he be so kind as to step forward?

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EDWARD JAMES YOUNG, (sworn),  
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EXAMINED BY MR. FURLONG:

Q. Mr. Young, where do you live?      A. Toronto.

Q. What is your business?      A. Farmer.

Q. You operate a farm?      A. Yes.

Q. Where?      A. Saskatchewan.

Q. I see you have something in written form to present to the committee. You might as well proceed.

A. Thank you.

"Gentlemen:-

In presenting this brief for your consideration, I cannot claim to speak for any organized group of either employers or employees. I do however belong to an unorganized group of employers. Though unorganized, this group is the largest employer, in fact it is the only real employer in the country. I refer to the consuming public - the people who actually buy the goods produced by labour. They are the ones who pay all the wages, and all the other costs that enter into the production and distribution of goods. They are the ones who will have to pay for whatever legislation comes out of this enquiry. They have a vital interest in all legislation affecting costs and prices. Being unorganized they have no one to speak for them but their elected representatives in Parliament. They look to these representatives to protect their interests. If that protection is not



given, it is on the elected representatives that the blame will fall. If the consumers' interests are neglected and, as a result, prices rise beyond their ability to pay, they can neither call a strike nor institute a lockout. Their only recourse is to buy less goods. This remedy they never apply willingly. They never stop buying merely to bring other people to their senses. They curtail purchases only when they can't pay the prices asked. But when they do, the effect is devastating. There is loss of business for employers and for the workers, widespread unemployment and distress. This is a cruel punishment to bring on the community; but it does happen at times; and there is grave danger of it happening again.

Much can be said in favour of collective bargaining as a means of preserving industrial peace. But when employers and employees meet together to bargain collectively, there is always the danger that they forget the interests of the consumer and merely agree to improve their own positions at his expense. Collective bargaining that disregards the consumers' interests can easily do more harm than good.

A number of suggestions have been made as to what the proposed collective bargaining bill should contain. These might be



summarized as follows:-

That the bill should:-

- (1) Apply to all workers and to all employers including Governments.
- (2) Give every worker the right to join the Union of his own choice.
- (3) Compel employers to bargain collectively with whatever union the majority of the workers select.
- (4) Require that the union so chosen shall be the sole bargaining agency in the plant or industry.
- (5) Permit a closed shop wherever one is agreed on by both employers and employees.
- (6) Outlaw all company unions, that is, all unions that are founded, controlled, influenced or subscribed to by the employers.
- (7) Outlaw all yellow dog contracts.
- (8) Exempt all parties to collective bargaining agreements from prosecution for combining in restraint of Trade.
- (9) Exempt unions from responsibility for the actions of their members.
- (10) Deny workers the right to contract themselves out of a collective bargaining agreement.
- (11) Forbid employers to discriminate against employees for union activities, or interfere with the conduct of a union.
- (12) Require the Minister of Labour to enforce all Collective agreements at Government expense.
- (13) Provide no action at law against employers or unions that violate collective agreements.
- (14) Make no provision for incorporation or registration of unions, or for publishing their financial reports.



You are also being asked, when the proposed bill is finally drafted, to hold a secret session to which union officials shall be invited, to go over the bill and see that it meets with their approval before it is submitted to the Legislature. I will deal with a few of these suggestions.

- (1) 'That the provisions of the proposed bill apply to all employees and all employers, including governments.' It seems strange that a government should refuse to be bound by laws that it frames for the binding of its citizens. Yet I do not see how the government could make itself subject to this proposed bill. In the last resort government is authority and can brook no flouting of its authority. It can tolerate no strikes among its employees. It cannot permit the public services to be tied up over labour disputes. It is the guardian of the people's rights and those rights cannot be made the subject of bargaining. I do not think government should be subject to this proposed legislation.
- (2) Everyone will agree with the second suggestion - that every worker be protected in his right to join the union of his own choice. This right should be maintained against all who would challenge it, whether the challenge be an employer, a fellow worker or whosoever he may be.



- (3) In regard to the third point - that employers be compelled to bargain collectively with whatever agency the majority of the workers choose by their ballots - it would appear that if the government is going to compel employers and employees to bargain collectively, it will have to assume responsibility for seeing that the consumers' interests are not sacrificed in the bargaining. This would be <sup>a</sup> difficult and thankless task for any government; but it is a responsibility the government cannot escape if it takes the first step of compelling employers and employees to bargain collectively. If the government ever allows itself to get into that position, it might some day find itself under the necessity of determining what would be a proper wage for each and every job in all kinds of complicated industrial establishments - a task no government is qualified to perform.

In my opinion the government would be well advised not to take the first step that might lead it into such a position.

- (4) The proposal that the bargaining agency chosen by the majority of the workers shall be the sole bargaining agency for the entire plant or industry would



deprive other unions of the right to function. Such an arrangement would deliver the minority of the workers into the hands of the majority; and if there were enmity between the unions, it would deliver the smaller union into the hands of its enemy. If such a provision is embodied in the proposed bill, the government will have to assume the responsibility of protecting the rights of the minority - not only to see that the minority receives fair treatment but also to see that its case is competently handled. This is another task for which government is not qualified and it would be better for all concerned if the various groups in the plant were allowed to do their own bargaining. I was glad to see that a strong section of the labour representatives appearing before your committee shared this view.

- (5) The Closed Shop. Your committee has not been asked to make provision for a closed shop. You have been asked to tolerate a closed shop wherever one is agreed on by the bargaining groups. Whether the closed shop is asked for or not the matter of the closed shop should be dealt with in any collective



bargaining bill that is submitted to the legislature.

Your committee is asked to recommend a bill that will give the worker the right to join the union of his own choice. You are also asked to permit a closed shop wherever the employer and the bargaining agency are agreeable. If this latter request is granted it will be the negation of the workers' right to join the union of his own choice. It is possible for the worker to have freedom of association. It is possible for him to have a closed shop. It is not possible for him to have both, for the one destroys the other.

But this is not the worst feature of the closed shop. Under a closed shop the worker can be compelled to join a union against his will, and the union is empowered to collect dues from that workman or have him dismissed if he refuses to pay. This is an invasion of the most fundamental rights of the citizen. The Great Charter itself laid down the rule that 'no scutage or aid shall be imposed in our realm save by the common council of the realm.' The power to levy taxes should rest only with the elected representatives of the people. We do not allow the King to do it. We do not allow the Government to do it. But in a closed shop we find private citizens levying toll on other citizens and forcing payment of the same.

And consider the punishment that awaits the man who refuses to pay! He is deprived of his job.



A workingman's job is his only means of support. Deprive him of that and you deprive him of his livelihood. Let me quote again from the Great Charter: 'No free man shall be seized or imprisoned, or dispossessed or outlawed or in any way brought to ruin'. These are the words of the Great Charter which stands at the base of all our freedom. Even criminals may not be deprived of their means of livelihood. Yet wherever you permit a closed shop you find men subject to that punishment, and for what offence? For daring to refuse to pay dues levied on them without their consent by private citizens.

There is still another danger in the closed shop; it might be accompanied by a closed union. I have known cases where men applied for work and were told they could not be hired unless they had union cards; and, when they applied for admission to the union, they were told that the union had all the members it could handle and would not admit any more until all present members were employed. It is a pretty serious state of affairs when a group of workers can arrogate to themselves the sole right to work at a trade.

See yonder poor, o'er-laboured wight,  
So abject, mean, and vile,  
Who begs a brother of the earth  
To give him leave to toil;  
And see his lordly fellow-worm  
The poor petition spurn  
Unmindful tho' a weeping wife  
And helpless offspring mourn.



Any law that permits a closed shop would have to make provision for keeping the unions open to all who wish to join, and would also have to see that the fees were not excessive.

In my opinion, Mr. Chairman - the closed shop is an iniquity that should not be tolerated and my recommendation is, that, whatever else goes into the proposed bill, there should be a clause forbidding it.

(6) You are being asked to outlaw company unions and company unions are defined as unions that are founded, controlled, influenced, or subscribed to by the employers.

If the Government wants to give the worker the right to join the union of his choice, it should not place any restriction on his choice. If, today, it sees fit to ban all unions that are influenced by the employers, tomorrow it might decide to ban all unions that are influenced by anyone not actually employed in the industry. This might make it difficult for some of our most competent labour leaders. At another time the same authority might see fit to ban any union that is lenient with its members in the payment of dues. A dozen excuses might be found for banning unions if the Government once started the practice. If this request is granted I fear the unions themselves might live to regret it.



- (7) I approve the suggestion that all yellow-dog contracts be declared null and void, provided yellow-dog contracts are clearly and properly defined.
- (8) I doubt if the Legislature has power to exempt any one from the provisions of the Combines Act.
- (9) Exempting the unions from responsibility for the actions of their members - much of the trouble that arises in labour disputes is due to mass picketing. Might it not be a good idea to regulate picketing and license the pickets, issuing only enough licenses to do the lawful work of picketing and not allow other people to congregate on the picket line.
- (10) Enforcement by the Minister at Government expense.

Before the government undertakes this task it might be a good idea to make some inquiry as to the probable cost of proper enforcement of all these agreements.

I strenuously object to the proposal that a secret session of your committee and the union officials be held to consider the final draft of the proposed bill before it is submitted to the Legislature. Legislation that affects the welfare of all the people should not be made in secret, and if secrecy is necessary no interested party should



be admitted. The very fact that a secret session is being asked for causes a feeling of uneasiness in the public mind."

Q. Mr. Young, you are the former chairman, I see, of the Industry and Labour Board? A. Yes.

Q. You are not chairman now? A. No.

Q. How long have you been out of that?

A. Since last April.

Q. What position do you now hold?

A. I am a director of the Canadian National Railways and a farmer. Putting it the other way, I am a farmer and a director of the Canadian National Railways.

THE CHAIRMAN: Q. You produce the stuff to give to the Canadian National Railways to carry? A. Yes.

MR. FURLONG: Q. I see in the first part of your memo. you deal with the consuming public?

A. Yes.

Q. Do you not think the people who belong to these organizations are the consuming public or part of it, at least? A. They are part of the consuming public. They are organized groups, which is quite a different thing from the consuming public. That part is not nearly the whole, nor equal to it.

Q. There is nothing in a collective bargaining bill about wages. Your fear in this seems to be that the cost of production will increase so greatly it will be reflected in the commodity when the public buys it. A. We know that when men meet to bargain



collectively they mean higher wages. When they are compelled to get together and bargain they are apt to say "On what can we agree?" and they are apt to agree on something and lose sight of the public interest.

THE CHAIRMAN: Both sides?

THE WITNESS: Yes.

MR. FURLONG: Q. After all, do you not think the problems of labour and of the employer should be discussed by both at a meeting? A. Yes, but I say when the government compels them to sit down and bargain together then the government must assume some responsibility for what they do in the bargaining.

Q. Well, how else are they going to settle their grievances if they do not sit down and bargain together? Is there any other way? A. I am talking about compulsory bargaining.

Q. But when certain companies refuse to do it, how do you think they could accomplish it without being forced to sit down and negotiate it? A. Has it not been accomplished in other countries and in this country hitherto?

Q. No, it has not. What about all these strikes?

A. There are many theories about what are causing them, but we do know that employers are gradually learning it is better to deal with their employees than not to deal with them, and we know that has been going on without any compulsion.

Q. If they are learning that gradually, do you not think if it were brought about suddenly by a piece

(Page 892 follows)



of legislation it would be better--- A. I do not

know.

Q. --than if it were to go through the long years of turmoil, suffering and the killing of people as happened in England? A. I have a cat and a dog.

They will eat out of the same dish now, but if I locked them up in a room and compelled them I do not think they would for very long.

Q. Well, you have not trained them.

THE CHAIRMAN: I can see your point of view quite well, Mr. Young. It is rather refreshing to hear someone trying to say a word for the great unrepresented consumer.

THE WITNESS: Might I correct you, Mr. Speaker? The consumer is unrepresented but, after all, he has representatives in Parliament and it is their duty to guard his interests, not the interests of any organized group.

Q. That is what members are supposed to represent; everybody? A. Yes.

Q. But you know you have had enough experience, and your knowledge extends to the terrible condition which existed in Switzerland. There was almost a complete breakdown in economic life until both labour and management recognized they had reached an abyss and got their heads together. The same thing happened in England.

Q. Have they a compulsory bargaining?

A. No, but there was a standstill and strife and



people were seriously injured in this sort of business. They had a complete, general strike in England in 1926. Finally, through the lessons learned at that time, through all the turmoil, strife and everything else public opinion was educated to the point where manufacturers realized themselves it was better to get around and talk like human beings, on a basis of equality with the elected representatives of the employees, without any compulsion. The force of public opinion forced them to be absolutely afraid to sit down and talk with the elected representatives of employees.

A. Can we not do the same thing here as England did; do it without compulsion?

Q. Apparently not. A. People have to be educated and grow to things. England did not reach that stage in one day.

Q. But we are a younger country. I realize that.

MR. FURLONG: Q. Do you not think we might benefit by what happened in England and take England's experience as a lesson? A. Yes, but we should not take their experience which has been successful when we can be successful by doing something else.

THE CHAIRMAN: In England you have a homogeneous mass. They live in the same manner and speak the same language. In this country we have people from every country in the world, in an enormous area and different geographical conditions with which to contend, different economic conditions with which to contend and different people with whom to contend. It may be that we are a



little behind time. A. Then, if you put people who are not congenial and who are incompatible into a room and tell them to bargain are they any more likely to arrive at an agreement than if you leave them free to get in there themselves and do it?

Q. I suppose possibly the majority of them are willing and wish to sit down and make collective bargaining agreements with the properly elected representatives of employees, but apparently the difficulty, so far as all the evidence here shows, is that there is quite a number who are still unwilling to. None of the organized labour groups are asking the compulsion go in further than to compel the manufacturer to sit down with his representatives and talk the matter over with the properly elected representatives of employees. It is not being urged that a government agent be sent in and say, "If you cannot agree I will listen and hear what you have to say", and "Here is what you have to do." They are not asking for that.

A. In England, or in Canada, we are a long way from the scene and we do not see what is happening. We only get a general picture. Here we are closer to the working end of it and we are familiar with all the little troubles. Taking a bird's-eye view of things I often think things are not so bad in Canada. I do not think our industrial conditions are so bad.

Q. I agree with that, but the idea is to improve them.

MR. NEWLANDS: Q. You say you are interested in the cost of living to the general public. A. Yes.



Q. You, being a farmer, do not take into consideration the fact that the government hands subsidies to farmers and the public have to pay?

A. I am not suggesting the government should subsidize the farmers. A situation has arisen in this country in which the farmers, who represent about 35% of our population, receive 9% of the national income. The point has been reached at which the farmer cannot maintain his buildings. He is living on old fat and on the accumulation of previous generations and everything we do seems to work against him. The time came when the government to enable the farmer on carry on increased production found it had to bonus him.

THE CHAIRMAN: Q. Dealing with the question of why the farmer is getting less m ny years for his crops and the producing of them is it because he is not organized? Everyone wants to get the biggest share possible out of the services which are spent in the goods which are produced in the country?

A. Yes.

Q. Even the lawyers like that.

A. I would not say that.

Q. Then, the fellow who is not organized in any manner, shape or form seems to get a little less than his share, so, dealing with the agitation for unionization and so on, is it not an attempt by the fellows who have been getting probably a little less than they consider is their share to get their share? Take the case of the bank clerks who are not organized,



they do not get a square deal. A lot of the people engaged in certain activities who are not organized seem to come out with a little less than their fair share.

A. You are speaking now on behalf of those who do not organize. This is on behalf of the people who organize. Many of the things we do to help the down-trodden, we only help those who are able to help themselves and those who cannot organize are in an even worse condition.

Q. I suppose because the farmer cannot organize is because he is distributed over a fairly wide area?

A. I suppose so, and, when he does, he starts off on the wrong foot.

Q. Probably he should get someone else to come and help him.

MR. HAGEY: Q. You express fear in your brief for the consumer? A. Yes.

Q. But do you know that has been experienced in any of the provinces here in Canada in which we have collective bargaining? A. I do not know that I can put my finger on any instance where collective bargaining resulted in the raising of prices beyond the power of the consumer to pay. I cannot think of any at the moment, but I might if I had time. We do know, however, that during the depression when the prices of our export commodities dropped to a fraction of what they had been efforts were made all over the world to maintain wages and prices in the domestic market with the result that all those who were engaged in the export business were not



able to buy the products of the rest of the country, the rest of the community. We had unemployment on every hand. We had introduced into our economy certain rigidities. Wages, interest, rents and so on did not come down but the prices we received for our exports did come down and we found ourselves in the position in which half our people could not exchange their labour with the other half. We had destroyed the exchangeability of labour.

MISS SEDGWICK: Q. Is it true you once represented the consuming public of a certain district in Parliament? A. No. I represented a district in Parliament, however. Are you referring to the consumers league?

Q. Yes. A. I represented the public in Parliament.

Q. And you do not represent them any longer?

A. No.

Q. Why is that? A. Because I was defeated.

THE CHAIRMAN: Because he did not happen to get elected?

THE WITNESS: They decided they wanted a change.

MISS SEDGEWICK: Is it not true that your successful opponent was an outspoken advocate of collective bargaining? A. At the time of my defeat I do not think that was an issue in the campaign at all. The issues were quite different. In fact, collective bargaining was not in issue in that part of the country.

THE CHAIRMAN: In what year was that?

A. In 1935.



Q. Oh, anything could have happened that year. We were just getting over the depression, or starting to get over it.

Any other questions?

MR. MACLEOD: It is very wrong for the witness to have the impression that the consuming public is not represented here. Those of us who have been listening to Mr. Furlong's rather extensive presentations here each morning from all kinds of organizations, including many municipal councils, church bodies and ex-servicemen bodies, and so on, would be rather led to believe that a very considerable section of the consuming public has expressed itself as being very strongly in favour of this proposed type of legislation. I would say that while Mr. Young is perfectly within his rights to appropriate for himself the right to speak for the consuming public, the others named in an official capacity have a somewhat stronger right to speak on behalf of the consuming public.

THE WITNESS: Any I heard speak said they were representing certain organized groups who were asking for something.

MR. NEWLANDS: Mr. Macleod refers to the petitions and letters Mr. Furlong has read each session before starting to examine witnesses.

THE CHAIRMAN: The question is, how to cut up the body.

MR. FURLONG: Thank you, Mr. Young.

---



MR. FURLONG: That finishes the day's docket,  
Mr. Chairman.

MR. FLOYD WALKER: I understand the Sawyer-Massey  
association representative was to be here to-day.

THE CHAIRMAN: The Sawyer-Massey Association of  
Hamilton is on the list.

MR. FURLONG: I called Mr. Williams, but he was not  
here. He is not now here.

MR. WALKER: I happen to be president of Local  
520 United Electrical and Machine Workers of America  
at Sawyer-Massey, and I asked for permission to come  
down here today in order to question this man.

THE CHAIRMAN: We cannot give you that permission  
when he is not here.

MR. WALKER: I understand that. I made it known to  
the management that I was coming down here. That may  
be one of the reasons he is not here.

I would like to speak to the committee, if I may.

THE CHAIRMAN: Very well.

---

UNITED ELECTRICAL AND MACHINE WORKERS OF AMERICA.

FLOYD WALKER, (sworn),  
-----

EXAMINED BY MR. FURLONG:

Q. You are not appearing for the Sawyer-Massey  
Association? A. No.

THE CHAIRMAN: He said he wanted to ask some  
questions.

MR. FURLONG: Q. Are you not in the Hamilton Labour



Council, with Mr. Dunlop representing Sawyer-Massey  
Otis Fensom, Steel of Canada, Hamilton Bridge,  
International Harvester and others?     A. Yes, sir.

Q. They are coming here to present a brief.     Do  
you not think they will cover your situation?

A. No doubt I will be here.

Q. But, could you not give us your remarks at that  
time, on Wednesday?     A. I suppose I could.

Q. That would save us a lot of duplication and a  
lot of time.     A. It could be arranged.

Q. If you could do that I think we would very  
much appreciate it, because we close the sittings here  
at 4 p.m.     It is now 3.58 p.m.     A. Very well.  
Thank you very much, gentlemen.

THE CHAIRMAN: This committee is now adjourned  
until 11.30 a.m., Monday, March 15th, 1943.

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---Whereupon, on the direction of the chairman, this  
committee adjourned at 3.58 p.m. until 11.30 a.m.,  
Monday, March 15th, 1943.

---







THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

Proceedings of Select Committee  
regarding Collective Bargaining  
between Employers and Employees.

NINTH DAY

MARCH 15 - 1943.

INDEX TO CONTENTS

Communications,.....	p. 902
Submissions of Norman W. Byrne,.....	922
Submissions on behalf of civic community group composed of representatives of public organizations, churches, etc., -	
By Hon. A.W.Roebuck, K.C., M.P.,.....	975
By Mr. Drummond Wren,.....	991
By R. H. Saunders,.....	996
Submission on behalf of Niagara Industrial Relations Institute:	
By Mr. J.L.Keogh,.....	998

LIST OF WITNESSES.

Byrne, Norman W.,.....	992
Roebuck, Hon. A.W., K.C.,M.P.,.....	975
Wren, Drummond,.....	991
Saunders, R.H.,.....	996
Keogh, J.L.G.,.....	998



LIST OF EXHIBITS.

NO. 123,	Letter, March 9, 1943,.....	p. 903
124,	Letters, (2), March 9, 1943,.....	904
125,	Letter, March 9, 1943,.....	907
126,	Letter, March 10, 1943,.....	908
127,	Letter, March 10, 1943,.....	910
128,	Letter, March 12, 1943,.....	911
129,	Letter, March 13, 1943,.....	911
130,	Letter, February 11, 1943,.....	912
131,	Letter, March 12, 1943,.....	913
132,	Telegram, March 12, 1943,.....	914
133,	Letter, March 12, 1943,.....	915
134,	Letter, March 9, 1943,.....	916
135,	Letter, March 11, 1943,.....	917
136,	Letter, March 11, 1943,.....	918
137,	Letter, March 11, 1943,.....	919
138,	Letter, March 9th, 1943,.....	920
139,	Petition, (23 pages), Ford Local 200 U.N.W.-C.I.O. Windsor,.....	921

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THE LEGISLATIVE ASSEMBLY OF THE  
PROVINCE OF ONTARIO

---Being the proceedings of a Select Committee appointed by the Prime Minister, for the purpose of enquiring into and reporting back to the House regarding collective bargaining between employers and employees in respect to terms and conditions of employment.

---MEMBERS OF THE COMMITTEE:

Hon. J. H. Clark, M.P.P.	Windsor-Sandwich Riding
Chairman.	
Mr. E. J. Anderson, M.P.P.	Welland Riding
Mr. W. J. Gardhouse, M.P.P.	York West Riding
Mr. J.A.A. Habel, M.P.P.	Cochrane North Riding
Mr. H.L. Hagey, M.P.P.	Brantford Riding
Mr. John Newlands, M.P.P.	Hamilton Centre Riding
Mr. F.R. Oliver, M.P.P.	Grey South Riding
Mr. J.P. Mackay, M.P.P.	Hamilton East Riding
Mr. T.P. Murray, M.P.P.	Renfrew South Riding

NINTH DAY

In Committee Room No. 1  
Parliament Buildings  
Toronto

Monday, March 15, 1943 at 11.30 a.m.

PRESENT: The Chairman and members of the Committee above named.

---Mr. W.H. Furlong, K.C., Counsel to the Select Committee.

---Mr. J. Finkelman, Adviser to the Committee.

---Mr. J.B. Aylesworth, K.C., Counsel for the Ford Motor Company of Canada, Chrysler Corporation of Canada, General Motors of Canada, and several other companies.

---Mr. D.W. Lang, K.C., Counsel for the Canadian Manufacturers' Association (Ont. Division).



---Mr. Arthur W. Roebuck, K.C.M.P.

---

MORNING SESSION

MR. FURLONG: Mr. Chairman, I have a number of petitions from the members of the United Electrical, Radio and Machine Workers of America, in favour of the Bill, with a large number of names.

A letter from Messrs. R.M. McMullin and F.M. McMullin in favour of the Bill.

A letter from the United Garment Workers of America;

A resolution from the Town of Collingwood;

A letter from the International Association of Machinists, Lodge No. 520;

A resolution from the Town of Midland; some further petitions from the United Electrical, Radio & Machine Workers of America;

A letter from the United Steelworkers of America, District No. 6, of Hamilton;

A resolution from the Township of Crowland;

A wire from Mrs. E. Baxter;

A resolution from the Town of Weston;

A resolution from the Brotherhood Railway Carmen of America;

A resolution of the Town of Brockville;

A resolution of the Municipality of New Toronto;

A letter from the Association of Technical Employees Affiliated with the Trades & Labour Congress



of Canada;

A resolution of the Town of Kenora.

All in favour of the Bill.

There are a number of petitions from Ford Local 200 U.A.W.-C.I.O., Windsor, in favour of the Bill

---EXHIBIT NO. 123: Letter March 9, 1943, from E.Steele, for United Electrical Radio & Machine Workers of America, to Mr. Patterson Farmer, Secretary to the Collective Bargaining Committee:

"Toronto, Ont.

"March 9th, 1943.

"Mr. Patterson Farmer,  
Secretary to the Collective Bargaining Committee,  
Room 220, Parliament Bldgs.,  
Toronto, Ontario.

"Dear Sir:

"Enclosed please find petitions received by our office to be forwarded to your Committee, signed by 332 employees of the Amalgamated Electric Corporation, members of our union, re- question that the Provincial Government pass the promised Labour Bill guaranteeing the right of trade unions to bargain collectively with employers.

"Yours sincerely,

(Sgd) "E. Steele

"E. Steele - for United  
Electrical Radio &  
Machine Workers of America."

Enclosures.

---(A petition of 23 pages with the following heading:)

"TO THE GOVERNMENT OF THE PROVINCE OF ONTARIO

"WE, the undersigned employees of Amalgamated Electric Corporation, Toronto



"call upon the Provincial Government:

To immediately bring before the House and pass the Labour Bill as promised to Ontario workers by Labour Minister Peter Heenan and Premier Gordon Conant, guaranteeing us the right to Collective Bargaining:

"To recognize that the recent strikes and disruptions of work in this Province are the direct results of the lack of labour legislation necessary for maximum production to defeat fascism rapidly with a minimum loss of life;

"To recognize that company 'unions', such as at present are being fostered by the management of many plants, are denials of the democratic principles for which we are fighting, since bargaining with a company 'union' is a farce and a sham."

---EXHIBIT 124: Two letters dated R.R. No.5, Perth, Ont., March 9, 1943, signed R.M. McMullin and F.M. McMullin, one addressed to the Hon. Gordon D. Conant, Premier of the Province of Ontario, and one addressed to Mr. James Clarke, M.L.A., Chairman Committee on Collective Bargaining:

"R.R.No.5, Perth, Ont., March 9, 1943.

"Hon. Gordon D. Conant, M.L.A.  
Premier of the Province of Ontario,  
Queen's Park, Toronto.

"Dear Mr. Premier,

"Allow me to congratulate you Sir, on your recent elevation to this high office.

"I beg leave to write asking that you give all the assistance of which your highly trained and disciplined mind is capable and lend the full influence of your exalted position in support of



"legislation on the right of Labour to organize and bargain collectively without let or hindrance from employeres or others.

"With a man Sir, possessing your wide knowledge of law and affairs, no one need dwell upon the arguments. Indeed, I need only remind you of your own favourable comment, before the Kingston Chamber of Commerce, in which you said 'it will help by giving a feeling of security to labour and certainty to management in the machinery it provides for determining the bargaining agency in industry. It will also give legal status to unions or associations of employees, a thing that has always been lacking in this province.'

"Action is needed in this and has been needed for a long time. We look Sir, to you, the New leader of our province, to step it up to the front rank among all Canadian provinces in this matter of enactments protecting the rights of labour to organize and bargain collectively. Further we urge that you hold out against every influence now at work to frustrate the high purpose behind the proposed bill, Respectfully Submitted,

"Yours truly,

"R.M. Mc.Mullin,

(Sgd) "R.M. McMullin

"F.M. McMullin."



"R.R.No.5, Perth, Ont., March 9,  
1943.

"Mr. James Clarke, M.L.A.(Windsor),  
Chairman Committee on Collective Bargaining,  
Queen's Park, Toronto.

"Dear Sir,

"I write you, as chairman of the committee recently selected from the Provincial Legislature to study labour problems. The immediate occasion for its appointment was the Government's oft repeated promise to bring down a Collective Bargaining Bill.

"Without doubt, the great majority of the citizens of this province desire earnestly that your committee bring in recommendations in full support of the Government's original proposals. There should be no unnecessary delay in the enactment of such legislation. It is quite apparent, to the majority, that the failure of employers to recognize the right of labour to organize according to its own choice and to bargain collectively is a primary cause in the aggravation of strikes, which in turn hinder our war effort. The public is not going to be fooled any longer into thinking that only employers are loyal and unless something happens soon will be inclined to demand that the government take over the full management of businesses which are a direct cause for our low standing in the matter of elementary labour legislation. This ranking is, not alone among the provinces of the Dominion, but



"also among other parts of the British Commonwealth of nations and the U.S.A.

"You will have the full support of the best and most progressive elements of the whole province in rejecting, absolutely, the overtures of all selfish and reactionary interests. Further, the bringing down of the proposed bill immediately, would strengthen the position of the Ontario Govnt. as nothing else could possibly do at this very moment. I am Sir,

"Yours very truly,

"R.M. Mc.Mullin.

(Sgd) "R.M. McMullin

"F.M. McMullin."

---EXHIBIT NO. 125: Letter dated Toronto, Ontario, March 9, 1943 from United Garment Workers of America, Toronto Local No. 202, addressed to the Chairman of the Select Committee on a Collective Bargaining Bill, Queen's Park, Toronto:

"Toronto, Ont., Can. March 9th, 1943.

"To the Chairman of the Select Committee on a Collective Bargaining Bill, Queen's Park, TORONTO, Ontario.

"Dear Sir:

"I am authorized by Local No.202, United Garment Workers of America, to request your Committee to bring in a favourable recommendation for a compulsory Collective Bargaining Bill, for outlawing of company unions in line with the promises of the Liberal Government of Ontario.

"Please do not be intimidated by selfish



"groups of anti-labour employers, who themselves live in luxury and deny their workers the right to band together for the improvement of their living standards.

"These very reactionary groups were opposed to Workmen's Compensation, Old Age pensions, Mother's allowance, Unemployment Insurance and they are now opposed to a genuine collective Bargaining Labour Bill.

"We urge you to do the right thing.

"Yours truly,

"Toronto Local No. 202,

"UNITED GARMENT WORKERS OF AMERICA

(Sgd) "Isabelle Grabbins

"Secretary."

---EXHIBIT NO. 126: Letter dated Collingwood, Ontario, March 10, 1943, from J.H. Fawcett, Clerk-Treasurer of the Town of Collingwood, addressed to the Honourable Gordon Conant, Parliament Buildings, Toronto:

"March 10th, 1943.

"Honourable Gordon Conant,  
Parliament Buildings,  
Toronto, Ontario.

"Honourable Sir:-

"Enclosed herewith you will find copy of a Resolution passed by the Town Council on Monday evening, March 8th, in response to a request from the City of Toronto, whose Resolution you, no doubt, have before you, having reference to a bill for Collective Bargaining.

"It is the sincere wish of the Council that



"constructive legislation along this line may be enacted for the mutual good of all concerned.

"Yours very truly,

(Sgd) "J.H. Fawcett

"(J.H. FAWCETT)  
"Clerk-Treasurer."

Enclosure

"C O P Y

"Moved by Norman Bush Collingwood, Ontario,

"Seconded by L.P. Dique March 8th, 1943.

"WHEREAS steps are being taken in all Democratic Nations to establish a foundation for a better means of national and individual security and

"WHEREAS special efforts are being put forth to establish or put on our statutes a Bill for Collective Bargaining as a means to a better understanding between Capital and Labor;

"BE AND IT IS HEREBY RESOLVED that the Mayor and Council do express herein our hearty approval of a resolution adopted by the Toronto City Council at its February the Twenty-second, meeting setting forth the great need for such Legislation,

"AND ALSO that a copy of this Resolution be forwarded to the Honourable Gordon Conant, Prime Minister, Parliament Buildings, Toronto.

"THAT the Seal of the Corporation be placed on this Resolution.

" . . . . . Mayor. Clerk."



---EXHIBIT NO. 127: Letter dated Regina, Sask., March 10, 1943, signed by J.P. Bespalko, Chairman, Publicity Committee of Lodge No. 520, International Association of Machinists, addressed to Premier Conant, Toronto, Ontario:

"1753 Connaught St.,  
Regina, Sask.,  
March 10th, 1943.

"Premier Conant,  
Toronto, Ont.

"Dear Sir:-

"The following is the text of a resolution adopted by Lodge No. 520, International Association of Machinists in Regina, Sunday, February 28th;

"We, members of Lodge No. 520, International Association of Machinists, hereby strongly endorse and support the efforts of labor in Ontario to secure collective bargaining legislation from your government at the present session.

"In the carrying out of your pledges for the enactment of a genuine collective Bargaining Bill in accord with the proposals of the two Labor Congresses you will receive the undivided support of all sections of the people in Ontario.

"Trusting that you and the members of your government will give this resolution your prompt and courteous attention, we remain,

"Yours truly,

"Lodge No. 520, International  
Association of Machinists

(Sgd) "J.P. Bespalko

"Chairman, Publicity Committee."



---EXHIBIT NO. 128: Letter dated March 12, 1943 from R.S. King, Clerk & Treasurer of the Town of Midland, addressed to Hon. G.D. Conant, Prime Minister, Parliament Buildings, Toronto:

"March - 12 - 1943.

"Hon. G.D. Conant,  
Prime Minister,  
Parliament Buildings,  
Toronto, Ontario.

"Dear Sir:

"At a recent meeting of Council a resolution was passed endorsing the principle of Collective Bargaining, and the writer directed to respectfully request that a modern Collective Bargaining Bill be passed by the present Session of the Provincial Government.

"Yours very truly,

(Sgd) "R.S. King

"Clerk & Treasurer."

---EXHIBIT NO. 129: Letter dated March 13, 1943, from C.S. Jackson, President, United Electrical, Radio & Machine Workers of America, District Five, addressed to Collective Bargaining Committee:

"March 13, 1943.

"Collective Bargaining Committee,  
Mr. Patterson Farmer, Secretary,  
Room 220, Parliament Bldgs.,  
Queen's Park,  
Toronto, Ontario.

"Dear Sir:-

"Attached hereto are two sets of petitions which have been forwarded to our office from plants in which our union has a membership.



"The two sets of petitions are from Orillia and Brockville respectively, and we are forwarding these on to you for your consideration.

"Yours very truly,

(Sgd) "C.S. Jackson

"C. S. Jackson  
President, District Five."

Enclosure

---(Petition of 17 pages with the following heading:)

"BROCKVILLE, Ontario - 293 SIGNATURES"

PETITION

"We the undersigned citizens of the Province of Ontario are desirous of adding our names to the desirability of passing of the Collective Bargaining Bill which is now being put in order for presentation to the Ontario Legislature, the immediate passing of a Bill of this nature is long overdue and will be conducive to streamlining our war effort."

---(Also attached a petition from Orillia, Ontario, with 80 signatures, bearing a heading similar to the petition contained in Exhibit 123.)

---EXHIBIT NO. 130: Letter February 11, 1943, from United Steelworkers of America, District No. 6, Hamilton, to Mr. W.H. Furlong:

"Feb. 11, 1943.

"W.H. Furlong

"Sir:

"We as citizens of Canada, residents of Ontario, employees of Welland Vale Manf. Co., (Canadian Shovel Works) Hamilton and members of Local 2853 United Steelworkers of America, C.I.O. demand that compulsory



"Collective Bargaining be enacted without further delay.

"If this be a democratic country in fact as well as in word whereby the government is elected from the people, by the people and for the people and considering the many thousands who have requested such a law there can be no other alternative but to pass such a bill.

"If this be a democratic country in word only instead of fact and a serious let down in production should develop through not enacting such a bill then the lives of many of our fighting forces on the many battlefronts throughout the world will have been sacrificed in vain fighting for a cause which did not exist.

"Yours truly,

(Sgd) "Marvin McAvella,  
"Rec. Sec'Y. Local 2853  
55 Cameron Ave. S. Hamilton."

---EXHIBIT NO. 131: Letter dated March 12, 1943, from the Township of Crowland to Mr. W.H. Furlong, K.C.:

"Crowland, Ontario, Mar. 12, 1943.

"Mr. W. H. Furlong,  
Counsel for the Select Committee,  
on Collective Bargaining,  
Room 220,  
Parliament Buildings,  
Toronto, Ontario.

"Dear Sir:

"At a meeting held by the Crowland Township Council on the 11th day of March, 1943, a Committee whose spokesman was the Rev. F. A. Sayles appeared



"before the Council requesting them to pass a resolution in favour of giving labour the right to have collective bargaining with their employers in the Province of Ontario.

"After due consideration the following resolution was endorsed and unanimously passed by all members of the Crowland Township Council and instructions given to me to forward you a copy of the resolution, which reads as follows:

"'In the interest of Labor-Management harmony for Total War production.

"'This Township of Crowland Council hereby calls upon the Government of the Province of Ontario to immediately bring before the House, a labor bill giving labor the right to organize in unions of its own choice providing compulsory collective bargaining, and adopt same forthwith.'

"Yours truly,

(Sgd) "W.P. Marshall

"Township Clerk and Treasurer."

---EXHIBIT NO. 132: Telegram dated Kitchener, Ont.  
March 12, 1943, from Mrs. E.  
Baxter to Premier Conant:

"Kitchener Ont

"Premier Conant 1943 Mar 12 PM 8 29

"Queens Park Toronto Ont

"The Womens Auxiliary of the United Rubber Workers of America strongly urges enactment of genuine labour collective bargaining bill

"Mrs. E. Baxter."



---EXHIBIT NO. 133: Letter from the Town of Weston to the Honourable Gordon Conant, dated March 12, 1943, with resolution attached:

"March 12th, 1943.

"The Honourable Gordon Conant,  
Premier,  
The Province of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

"Honourable and Dear Sir:

"Attached hereto please find copy of resolution passed by the City of Toronto on February 22nd, 1943.

"This is to advise you that the Council of the Town of Weston has considered the action of the City of Toronto, as above, and has gone on record as being in favour of having such legislation placed on the statutes by the Ontario Legislature in the ensuing sessions.

"Yours truly,

(Sgd) "Musson

"H. G. Musson

Clerk."

Enclosure

"COPY OF CITY OF TORONTO RESOLUTION

"Whereas the interests of our effort demand maximum and uninterrupted war production, co-operation between labour and management and the elimination of all factors which impede production and cause national disunity; and

Whereas the adopted and proper application of collective bargaining legislation would remove one of the chief causes of industrial disputes in



"wartime; and

Whereas all labour organizations in Canada have appealed for collective bargaining legislation as already exists in Great Britain, the United States of America and other democratic countries and which is in accord with the principles of the Atlantic Charter to which we are committed;

Be it therefore Resolved that this Council petition the Government of the Province of Ontario and requests that it do, at the present Session of the House, enact a modern Collective Bargaining Bill, and that copies of this motion be forwarded to Council of all municipalities within the Province having a population of 4,000 inhabitants or over with a request that they endorse same and forward their endorsement to the Provincial Government."

---EXHIBIT NO. 134: Letter dated March 9, 1943 from Brotherhood Railway Carmen of America to Hon. G.D. Conant, with resolution attached:

"March 9, 1943.

"Hon. G. D. Conant,  
Premier of Ontario,  
Toronto.

"Sir:

"Please find enclosed herewith a resolution for this Lodge which I have been instructed to forward for your consideration.

"Sincerely yours,

(Sgd) W.R. Walch

Secretary."



Enclosure

"BROTHERHOOD RAILWAY CARMEN OF AMERICA

GRAND TRUNK PIONEERS' LODGE NO. 488

London, Ont.

"Whereas, the workers of Ontario have been promised effective Collective Bargaining Legislation for some time, and

Whereas, We believe that such Legislation would not only be Democratic, but would also be in the best interests of a large majority of citizens, would be a benefit to the whole Dominion, and would be a great step toward post-war reconstruction planning. We believe democracy is a wonderful thing and that it should be tried out some time.

Therefore be it resolved, That this Lodge urge the Premier, G.D. Conant to bring the Collective Bargaining Bill before the present session of the Ontario Legislature at the earliest possible moment.

(Sgd) "W.R. Walsh

Secretary."

---EXHIBIT NO. 135: Letter from the Town of Brockville to the Hon. Mr. Conant dated March 11, 1943:

"Brockville, Ont. Mar. 11, 1943.

"Premier Conant,  
Parliament Buildings,  
Toronto, Ont.

"Hon. Sir:

"The Council of the Town of Brockville endorsed the resolution of the City of Toronto regarding the passing of a bill for Collective Bargaining.



"They request that the same be passed at this session of the House.

"Yours truly,

(Sgd) "H.W. Carswell

Town Clerk."

---EXHIBIT NO. 136: Letter from the Town of New Toronto to the Hon. Mr. Conant, dated March 11, 1943 with resolution attached:

"New Toronto, Ont.

March 11th, 1943.

"Hon. Gordon D. Conant,  
Premier, Province of Ontario,  
Parliament Buildings,  
TORONTO, Ontario.

"Dear Sir:

"On instructions of the Municipal Council  
I am enclosing herewith a copy of resolution  
number 44 passed by the Council on the 9th day  
of March, 1943.

"This resolution is respectfully submitted  
for your consideration.

"Yours very truly,

(Sgd) "F.R. Langstaff

Municipal Clerk."

Enclosure

"March 9th, 1943.

"Moved by Deputy-reeve Strath

"Seconded by Councillor Greer

"THAT the Council of the Town of New Toronto  
hereby heartily supports the resolution of the  
City of Toronto requesting the Province of Ontario



"at this Session of the Legislature to enact a  
Collective Bargaining Bill;

"AND THAT a copy of this resolution be sent to  
the Ontario Minister of Labour and the Premier of  
the Province of Ontario.

"CARRIED:

"(Signed) W. G. Jackson

MAYOR

"RESOLUTION NUMBER 44

"CERTIFIED A TRUE COPY,

(Sgd) "F.R. Langstaff

"Municipal Clerk."

---EXHIBIT NO. 137: Letter dated March 11, 1943 from  
Association of Technical Employees  
Affiliated with the Trades &  
Labour Congress of Canada to the  
Hon. Gordon Conant:

"March 11, 1943.

"Hon. Gordon Conant,  
Prime Minister of Ontario,  
Queen's Park,  
Toronto.

"Dear Sir:

"A membership meeting of the Research Enter-  
prises Branch of the Association of Technical  
Employees (Trades and Labour Congress) last night  
unanimously passed a resolution asking for the  
enactment by your government of a collective bar-  
gaining bill embodying the following points:

"1. That collective bargaining be made com-  
pulsory.

2. That company unions be outlawed.



- "3. That penalties be provided against employers who exercise discrimination against employees because of union activity.
- "4. That legislation enacted include technicians as employees. At present we fall in this category because we are in a Crown company; but our fellow-technicians in private industry have no standing whatever under existing legislation, because of a Department of Justice ruling that they employ 'scientific skill of imagination' instead of manual or clerical skill.

"Respectfully yours,

(Sgd) Dr. W.G. Hines

"Dr. W. G. Hines  
Secretary."

---EXHIBIT NO. 138: Letter from the Town of Kenora to the Hon. Mr. Conant, dated 9th March, 1943:

"9th March, 1943.

"Hon. Gordon D. Conant,  
Premier of Ontario,  
Parliament Buildings,  
Toronto, Ontario.

"Dear Sir:

"At a regular meeting of the Council of the Municipal Corporation of the Town of Kenora held last evening I was directed to forward you a copy of a resolution passed at that meeting dealing with the matter of Collective Bargaining and which reads as follows:

"(3) 'THAT this Council endorse the resolution



"passed by the Corporation of the City of Toronto at its meeting held on February 22nd., 1943, petitioning the Government of the Province of Ontario to enact, at the present session of the House, a Modern Collective Bargaining Bill'.

"While we understand that a Collective Bargaining Bill is at present being considered by a select committee of the House, it was felt that the resolution of the Council of the City of Toronto should be endorsed.

"Yours very truly,

(Sgd) "F.J. Hooper

CLERK."

---EXHIBIT NO. 139: Petition (23 pages) from Ford Local 200 U.A.W.-C.I.O. Windsor, Ontario, with the following heading:

"P E T I T I O N

"We, the undersigned, petition the Ontario Legislature, to work with all the energy at its command, for the speedy enactment of a bill guaranteeing the right of Labour in Ontario to collective bargaining, through the unions of its choice and outlawing company unions and banning discrimination by employers against employees for union activity."

MR. FURLONG: The first one to be heard this morning is Mr. Norman W. Byrne of Hamilton.

---



NORMAN W. BYRNE, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Byrne, you live in Hamilton?

A. IN Hamilton.

Q. What is your business? A. Lawyer,

Byrne & Dixon.

Q. Do you represent any organization?

A. No, I do not.

Q. You represent yourself? A. Yes.

Q. Will you proceed with your brief please?

A. Mr. Chairman, I wish to thank you sincerely, and members of the Committee, for the opportunity to appear here. Although at the moment I have some misgivings, in that it seems singular that I represent nobody, I was impelled to make some comments through the fact that I am a lawyer and have had a good few years of sociological experience, and sociological work, which has given me opinions, and at the same time I have a connection with a number of small companies. Small companies, as distinguished from large companies, seem to have a better measure of getting along with their employees. That is probably explainable because everybody knows each other.

There are some phases of the Wagner Act that I read, and when I read them, they did not appeal to me as a lawyer because, strange as it may seem, here was an Act directed to collective bargaining that neither defined "collective bargaining" nor "employee". It was a kind of Act which started off, to me, under, as



it were, an effort. That is probably on account of the jurisdiction of the Federal Government of the United States. And it went to some pains to bring it within the jurisdiction of the Federal Government, and then proceeded in generalities. Those generalities are susceptible of different misunderstandings and understandings and interpretations, and out of it I have seen, from my observation, what I consider unnecessary aggravation.

There is no question about it that collective bargaining is a phase of national life, and as such should be recognized, but any phase of national life, if permitted to run unregulated and uncontrolled, may do harm to the rest of the public.

My experience in sociology goes back to the time of the last war when I was a young fellow in hospital in England and read that polyglot kind of literature that is wished by somebody from his library on the fellows in hospital. I read all the gamut from Invictus to Marxism, and among them I read a treatise that started out and ended up on, "A more commodious Life for Man," and that idea stuck with me, and that idea is still with me. You hear all the time, particularly at times like these representations that are perhaps in a wide field on "A more commodious life for man", but the means for attaining them creates strife, and it was in looking at "A more commodious Life for Man", and trying to put my finger on the things that in small companies made peace, and at the same time in



big companies made trouble, that I conceived the fact that small companies got along with their employees better because everybody knew each other and had confidence in each other.

THE CHAIRMAN: Personal contact.

A. Personal contact. What measures can we take to give the company confidence in its employees? It seems to me, with my lawyer's experience, if you like, if we tell everybody frankly what we have up our sleeve, and play the cards on the table, that that is a much more satisfactory game. I am sold, and I believe that 90% of the manufacturers in Ontario are sold, on the idea of collective bargaining. Manufacturers are afraid of collective bargaining. Why are they afraid? They are simply afraid of abuses. I recognize the fact, and labour has to recognize the fact, that in the ranks of manufacturers and in the ranks of labour there are some people who do not play ball.

THE CHAIRMAN: You mean they are made up of human beings?

A. I mean they are made up of human beings. And anything that we can do to eliminate those people from the ranks of manufacturers or labour I think is ground well taken.

It was that that I directed my attention to in writing my brief. It is not the mass of employees; it is not the mass of labour organizers. I count some of my best friends among labour organizers. It is this fellow that the labour organizers sometimes are



ashamed of, and there is no field in life, as you say, but what is a cross-section. If we can do something that gives the employees a consciousness of responsibility, and an attitude of not just asking for something, I think we will achieve something.

I do want to impress upon you the fact that an Act must be drawn to be conclusive.

The written part of my brief, if you will let me proceed with it:

"The legislator confronted with the problem of human relations in the drawing of laws of employee and employer has no easy task. He knows beforehand that his efforts will be the subject of criticism from everyone concerned, for few can look at the subject dispassionately. He knows that no one can legislate that goodwill, patience, and understanding that is essential to industrial peace, and he only hopes that by laying down clearly defined procedure to simplify and expedite negotiation and by provision against exploitation of tactical position on either side he will be rewarded by a decrease in irreconcilable differences breaking into open strife.

"The legislator is prone to look to the experience of others for precedents as to form, but this expedient though valuable as a guide is not always reliable for outright acceptance, for the law should be the written expression of those rules of living that have been established and



"accepted by those people that are governed by it.  
Different conditions and convictions of different people call for different laws dealing with the same subject matter in different places.

"Some people of the world are governed by laws that express the dogmas of their masters; some people are governed by their established and accepted customs without written laws; and some peoples, even of advanced democratic principles, find themselves from time to time burdened with laws passed to placate some aggressive element that by vociferous pressure have made an impression on law makers susceptible to the demands of political expediency."

I am glad to say that the legislators of Canada have never shown themselves susceptible to political expediency, but in the United States today the public at large are taking recognition of pressure tactics. I have plenty of material here from the Saturday Evening Post and otherwise. For instance, in a recent editorial in the Saturday Evening Post it comments on the New Deal:

"The 'soft under belly' of the New Deal, if we may lift a phrase from Mr. Churchill, is its state of uncertainty as to principles. Most of its blunders result from disregard of principles. The place to hit the New Dealers is in their propensity for 'justice by ear,' as it has been called by Charles P. Ives, of The Baltimore Sun.



"Antitrust laws apply to doctors, but not to union leaders; racketeering is forbidden, but when labor leaders become racketeers they are not racketeers. Even when considering a simple job of income-tax reform like the Rummler plan, the New Deal was unable to resist an attempt to make it apply to the little taxpayers but not to the big taxpayers. 'Equal protection of the laws' is lost on the New Dealers, because it is the fashion to fit the laws to suit groups which have the most power."

(From the brief) "Our good friends to the south of the border had an experience of this kind in prohibition laws that failed to receive sufficient public support to remain on the statute books,--"

THE CHAIRMAN: Did we not have some of that too?

A. Yes, we did.

"-- and a similar tide of resentment is swinging against their Federal Labor Law because of the unbridled opportunism displayed by some labor leaders in misusing the privileges extended to Labor by that act."

And I am told there are some fifteen states that are now passing state laws for the regulation.

"In speaking to you of the proposed Labor Bill, I am not going to do very much talking about the employees, their claims, their rights and their problems. I will address my comment principally to those people and those factors influencing the progress of employees toward



"equality in negotiation and contract. We all concede the place and function of labor even if we do not agree with some of those who assume to speak for labor."

As I said before, to me the important thing is not to listen to what are half truths, but to listen to whole truths and look at straight facts which are facts that influence, and not ignore them. So I say:

"Let us in Ontario be realistic in our approach. Let us not shut our eyes to realities and in blindness accept any proposition because it is said to embrace the genuine attitude of labor. Let us frame our act according to British principles, be alive to the real issues and seek the real solutions rather than be coerced or influenced by political expediency as suggested in the reported introduction to the CCF version of a bill, namely, - 'Since the rapid growth in strength of the CCF and the direct affiliation of many trade unions in Ontario with the CCF, the Ontario government has promised a trade union act for the next session of the Ontario legislature'. Let the enquiry begin with the ascertainment of the fundamental things that bear on the matters under consideration. These appear to be

1. The people affected directly and indirectly
2. The nature of the measure



"3. The purpose of the measure

4. The best means of accomplishing the purpose of the measure.

If we ascertain these things and steadfastly refuse to be led aside we shall avoid many of the pitfalls that others have fallen into in such endeavors.

"The people affected are in economic and functional groups. Each is significant and their aims and ambitions are so interrelated that any legislation resulting in any one group acquiring a larger share of the national income, affects the others immediately, for pay, price and gain can only be realistically measured in the share of national income that a group gets for itself and to increase the share of one economic group inevitably decreases the share of the others and creates hardship in that quarter. While no one can deny the basic right to collective bargaining as a measure to preserve a balance among the economic groups of the country, it must be remembered that undue gains of one group result in immediate reaction in others and the result of a circle of gain is a spiral of inflation.

"The economic groups are composed of

1. Capital. The group creating the facilities of production.

2. Management. The operators of the facilities



"of production.

- "3. Labor. Those employed in the production from facilities.
4. The Consumer. Those who create the market for the products of facilities of production.
5. The Farmer. Those who produce the food and part of the raw materials required to maintain the facilities of production in operation.
6. The General Public. Those indirectly affected by prices and availability of production.
7. The Government. Those who create and regulate the activities of the various groups.

"It is in the interest and welfare of each of the above groups that industrial peace and stabilization become a fact. Left to their own devices each of the above groups strive to secure as large a share of the national income as possible without too much regard for the general welfare of the others. It is therefore, desirable that rules and regulations be enacted for the purpose of ensuring industrial peace, - but not peace at any price. It must be industrial peace that is equitable to all concerned and not a measure that will load the dice to the special benefit of any one group.



"There are elements outside of the economic groups who contribute nothing to the general economy, but are inspired by the expediciencies of their selfish ends to upset the balance of the economic groups and who continually strive to prevent harmonious relations between groups and inside of the groups.

"Examples of such elements are

1. Unscrupulous politicians - who foment class hatred to facilitate vote snatching.
2. Agitators among labor leaders - who to implement a livelihood gained from union fees and with the prime purpose of exploiting the possibilities of fee collection, agitate distrust and dissention between capital and labor.
3. Fanatics - who seek to advance their particular theory of achieving Utopia by resorting to incitement of class hatred.

"Beside the economic groups are the functional groups, in these

1. The people directly affected are employees and employers.
2. The people intimately involved are political groups of labor designation and professional labor organizers.
3. The people indirectly affected are the public at large."



I submit it is inevitable in any labour legislation that these three groups are affected, and I submit that the Wagner Act ignored the second group. They are significant but they are not dealt with directly in the Act, and I submit that is a very grave weakness of that Act.

"If the act is to be of real use to employees its provisions should be clear, precise, unambiguous, and simple in statement."

THE CHAIRMAN: Isn't that impossible to obtain?

A. No, that is quite possible of attainment.

"There is no necessity for vague generalities of statement or obscure provisions that encourage argument in interpretation. A labor statute of all statutes should be simple and precise.

"The statute should mean what it says and be incapable of distortion in administration or operation."

I submit the Wagner Act is not incapable of distortion.

"Vague phraseology, loose and general wording, and provisions containing covert permissions render the enactment vulnerable to exploitation by people who were never intended to be benefited at all.

"For instance, labor organizers are not openly mentioned or dealt with as such by The Wagner Act and yet labor organizers acquired more benefits of position and of monetary value



"than employees on a per capita basis through the provisions of the act."

In the report of these proceedings Mr. Brewin was said to have commented that the labour legislation ought to be like the National Labour Relations Act of the United States, as the only legislation which has enabled the peaceful development of trade unionism in a short space of time and on a very large scale. If the purpose of the Wagner Act was to enable the development and organization of trade unionism in a very short time on a wide scale, then it should have said so. If our Act is designed for that purpose we should tell the public, not that we are passing a collective bargaining act, but we are passing an act to facilitate the organization of labour unions, and be frank with them. These representations made in the papers, and that sort of thing, a good deal of them are not for collective bargaining; they are for labour organization. Labour unions are entitled to organization and to perform a useful function, but let us be frank about it. If it is going to be a labour organizer's bill, let us call it that, because then there will be legislation that will keep labour organization on the scale that the public is not going to be provoked with labour, as there is a reaction spreading over this country now. It is my opinion that the cause of labour has been retarded by some foolish acts of labour organizers, and all the other useful things labour is doing for this country



are ignored. If it is a labour organizers' act, let us call it that, and we will deal with labour organization on sound, practical, precise grounds, and the public at large will be satisfied, and labour will be satisfied. Because labour at large feels that some fellows are not carrying on in a way that labour at large stands for. Do not forget that unionism is a very small part of labour. The whole of unionism is a very small part of labour.

"The provisions should be directed to the many not the few. The vast majority of employees and employers can and do settle their differences amicably and with tolerance, and the provisions should recognize this situation, and while making provision for procedure applicable to unsettled disputes should not force the majority to fall into the procedure laid down for the irreconcilables.

"Because labor leaders and organizers are not employees, but are of necessity involved in the operation of such an act, there should be specific provisions clearly determining their status, their privileges and their obligations. It is not fair to them or any other parties involved that their participation and functioning should be slipped in by the back door of implication and determined by their individual convictions or aspirations while all others are specifically controlled and directed.



"The next consideration is to define the nature of the statute.

"The advocates of the measure call it a collective bargaining bill. Collective bargaining is not defined by The Wagner Act, but it is a phase of trade unionism. Trade unionism is a phase of organized labor."

THE CHAIRMAN: Why would you say collective bargaining is a phase of trade unionism?

A. Because a union is a collection of employees. You see, we have not a definition for collective bargaining in the Wagner Act. It is hard to put your finger on it and say, "What is collective bargaining?" I have an Act I hope you will read later on that does define "collective bargaining". I think that is absolutely essential for everybody concerned, to know what "collective bargaining" is, because, generally speaking, collective bargaining means no more than concerted action, and trade unionism is concerted action. Take before the days, Mr. Chairman, of collective bargaining in the new idea of it, trade unionism was collective bargaining - it is a phase of it. It has had a new accentuation lately, but trade unions always bargained collectively.

Q. I thought they were collectively at the start as convicts and shipped to Australia. That was the only collective bargaining they got, was it not?

A. No.

Q. Wasn't that the start?



A. That was the start. Do not forget all progress is born in strife.

Q. Surely, we know that.

A. Our ancestors bled and died for progress. If we can achieve it without that, so much the better.

Q. I agree with you on that, Mr. Byrne.

A. The British people have suffered for three generations to attain that, and I believe we can attain recognition of trade unionism, collective bargaining and a better aspect of the whole thing without strife, if we do it properly, if we handle it properly, and I do believe that if we put through a loose bill like the Wagner Act that we are going to have plenty of strife because there are a lot of determined people in this country.

Q. I do not think anybody disputes the Wagner Act has caused plenty of strife.

A. There are determined people on both sides of the fence, and when these people get tangled there is fire every time. We are proud of that aspect.

"Organized labor is a phase of employer employee relations and is simply joint action on the part of employees when negotiating with an employer, and for our purposes it relates to the action of a majority of the employees of the employer.

"The law then is to deal with joint action of majority units of employees when negotiating with an employer."



It may seem futile for me to define that. I want to define it because I want to look at this Act and model it to make it work for what we are working on. If it is going to be a collective bargaining bill, make it a collective bargaining bill; if it is going to be an organization bill, make it an organization bill.

"A feature always associated with the terms collective bargaining in the Wagner type of act is specific provision that employees have the right of designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

"The patent logic of such a convention is so simple that it may be accepted without question. The provision would seem almost redundant for a natural requisite of self organization is self expression through self appointed representation, but the insistence of specific provision in that respect must have some significance.

"The Hon. Peter Heenan is reported to have said here 'Some legislative pronouncements or enactment seems necessary in order to make it clear to certain employers that they must negotiate and bargain with whatever representatives their employees have selected to act for them'.

"If that simply means that the employee appointed by his fellow employees to speak for



"them has the statutory right to bind them in his negotiations, it is a natural appurtenance of freedom of association in bargaining.

"If that means that someone not an employee has a statutory right to exclusive representation facilities that under compulsion must be attended to, then third parties beyond employers and employees are acquiring statutory rights which is neither so simple or so natural and should be carefully regulated by direct provision as to the method of appointment, the qualification and otherwise.

"The next consideration is to define the purpose of the legislation.

"It is most important for the lawmaker to define and keep in view the purpose of the legislation otherwise as heretofore pointed out covert purpose of persons not deemed to be included in the purview of the measure may be effected by interpretation or necessary implication."

As a matter of fact, I believe that was the deliberate purpose of the Wagner Act.

"The public are keen visaged enough to remember the expressed purpose of the act and to look for the results to that end. If they find that the advocates of the act had ulterior motives that become a reality of accomplishment through the operation of the measure they immediately question the sincerity of the lawmakers whose



"only fault may be lack of vigilance directed to the elimination of provisions that by interpretation or use may corrupt the working of the measure and justify some realist in a jibe directed to supplanting the lawmakers caption with a very different one; for instance

'A Labor Bill'

might become

'An Act to better promote the  
ascendency to power of an ambitious  
political party'

or perhaps

'An Act to facilitate and consolidate  
the activities of professional labor  
organizers'

or perhaps

'An Act to frustrate governmental  
interference in Labor disputes',

all according to the bias given the enactment by its proponents in drafting the provisions for submission to the Legislature."

As a matter of fact, those things do happen. Here is an editorial from The Saturday Evening Post, "Another Wagner Act Might Help."

"What this country needs is another Wagner Act. This may sound strange to some of our customers, but it is one way of saying that the United States urgently needs machinery to deal with the new order of industrial disputes - namely, fracas between workers and their new bosses, the union leaders. The Wagner Act we



"now have, guarantees collective bargaining as between employer and employee through 'representatives of their own choosing.' But this kind of collective bargaining has been reduced to a minimum, because the War Labor Board, through the maintenance-of-membership clause, controls the choosing of labor's representatives. The union leaders, entrenched in their new security, write the rules, collect the dues and fire the individual worker who fails to pay or otherwise gets off the reservation. If he were thus treated by his employer, the worker could invoke Wagner Act No. 1 to protect him. But because the new Simon Legree is called a labor leader, there is nothing the dissatisfied worker can do but indulge in a wildcat strike.

"For example, in January, thirty-four machinists employed in a San Francisco shipyard went on strike because they had been fined twenty-five dollars each for working on the Saturday and Sunday after Christmas against the union bosses' orders. The strike was not against the employers and had no relation to hours, wages or working conditions. It was a protest against an arbitrary internal regulation by the union leadership. The strike lasted a week, but it was not a 'labor dispute' within the meaning of the Wagner Act."



It goes on and cites several of these cases that had happened that way.

"Before this happens too often and we find ourselves the innocent but outraged bystanders at a crucial and gigantic struggle between a union management and the working stiff, we ought to have a new Wagner Act. The one we've got was tailored to the days when employers were allowed to argue a little before being taken over by executive order. What we need now is a Wagner Act to settle the kind of disputes of which we are going to have plenty: the intra-union row in which the grievances are private, but the damage is public."

I imagine it cannot be said here because it is a secret, but I think you know a plant, a very significant plant in this country, right in this vicinity that now is torn between the factions of a C.I.O. union and an A. F. of L. union and a company union, and the people in the plant cannot see any difference in any one of the three. For someone to come out and class the C.I.O. as a bunch of agitators is not fair. The C.I.O. in the United States and Canada has done a mighty good job. There is an element in any labour union that is liable to get in there. Those are the fellows the Province of Ontario has to put its finger on, and it cannot do it by a vague job like the Wagner Act. Some states of the Union have found out by experience they cannot be controlled by the Wagner Act,



so the states are stepping in and passing acts to control them, and give labour a fair chance, and give credit to labour leaders that are doing a good job, and the employees that are doing a good job, because there are a few of them, good sincere fellows - I know union plants right in Canada here where there could not be a finer relationship, and one of them is a C.I.O. union, - there could not be a finer relationship than exists right there. It is not unionism; it is not employers. It is the right kind of provisions to get the right kind of people doing the job, and the right attitude to the job.

(From the brief) "For instance, I have been convinced for some time that the majority of labor disputes were the result of activities of a handful of labor organizers who had identified themselves with the labor movement simply because there seemed opportunity there for exploitation and personal aggrandisement. I consider that they found their opportunity, and exercise their activities through lax provisions in the statutes and will only stay while they can exploit labor. I cannot get at them directly, so I will try to eliminate them indirectly by an act that I call The Labor Registration Bill.

"The ostensible purpose of the Act is to give labor unions legal standing under certain regulations and provisions. The act is a real



"benefit to labor by its direct provisions.

There is no express provision in the Act directed to the elimination of racketeers from the labor movement, but I try to accomplish that by so seriously curtailing their opportunities that they will lose interest. I know labor organizers that heartily endorse such provisions and I am quite confident that there are others that would bitterly oppose termination of their opportunities through such a measure. I believe labor would be better off without the attention of opportunists. This is to be a public statute so the prime purpose must be of benefit to the public at large. No enactment creating special privilege for some special element of the population to the detriment of others should be tolerated in British Law.

"The public at large suffer from labor unrest with attendant strikes and interruptions of production, and on the other hand the public, labor and industry alike benefit from industrial peace. We should have little opposition to a decision that the purpose of the act is to promote industrial peace."

And if we make that the test of the provisions I do not think we will go far wrong.

"The final consideration is how best to promote and ensure industrial peace by labor legislation.

"If we first settle the wants of employer



"and employee respectively, we may find that they are not so far apart. A clear statement of the wants of each is set out in Chapter 18 of 'Industrial Management' by Anderson, Mandeville, Anderson (The Ronald Press New York). I have added to this memorandum copies of the Chapter on Human Relations from that book and I suggest that perusal of it would provide real assistance in your consideration of the matter at hand.

"The wants listed there are

The employer wants

1. Industrial peace.
2. Improvement in the quality and quantity of work done.
3. Reduction in cost, not by lower wages nor by skimping the work, but by improved methods.
4. Higher efficiency on the part of the employee.
5. Attentiveness and interest of the worker in his work and in his fellows.
6. Loyalty and confidence on the part of the employee.

The employee wants

1. Security of job and income.
2. A fair wage for the work done.
3. Safe, orderly, and efficient workplaces and conditions.
4. Pride in the products, policies, and progress of the company for which he works.
5. Reasonable working hours.



- "6. An understanding of the company's business in so far as his interests are concerned.
7. An opportunity to express his thoughts concerning his job and his relations with the business.
8. Some financial security against the hazards of sickness, accident, disability, death and old age.

"Opinions on the subject of how best to secure industrial peace will be varied and perhaps contradictory, but knowing the wants of the parties if we next list the things that aggravate small differences into critical disputes; if we try to recognize personal factors as facts to be dealt with; if we clear away the smoke screens raised by outsiders with ulterior motives and adhere to the rules of negotiation recognized in British Commerce, we will have accomplished something constructive and tangible.

"1. Employers

"Let us begin with the personal aspect of employers because that can be dealt with most expeditiously. We must recognize as a fact that employers are persons who from their personal initiative, ability and industry, perhaps seasoned with good fortune, have arrived at a position of comparative importance. We must recognize as a fact that having emerged from the mass by whatever means, they would be less



"than human if they had not a certain amount of self esteem and it is only natural that they resent coercion from anybody. They are not accustomed to being pushed around.

"Employers are business people, continually in the process of negotiation and they acquire a habit of procedure in their dealings. If someone comes along to do business with them and embarks on a basis of arbitrary demand or tricky presentation of facts, the employer as a business person will turn cold to the approaches, whether it be from a labor leader or a cement salesman.

"I have read that Mr. Conroy of the Canadian Congress of Labor pointed out to this committee 'We have not come here demanding the committee do one thing and daring them to do another'. I do not know why Mr. Conroy was impelled to make the statement for he could hardly have taken any other attitude here if he expected to make progress. You are under no compulsion of Wagner Act or strike procedure and you expect and insist that parties conducting negotiations here abide by your concept of procedure and ethics. Employers have similar expectations and when a union representative comes to him demanding that the employer do one thing and daring him to do another, the employer is no more receptive to the demand than you would be, and he, like you, would probably take the dare -



"and another incident of industrial strife would be recorded.

"The lawmaker should recognize these personal human factors as live issues to be dealt with and if the employer is to be bound to entertain the approaches of every type of union representative, the 'demand and dare' element of negotiation should be eliminated in the interests of peaceful agreement.

"2. Employees

"If employers and their personal aspect is an outcome of their position and habit the same can be said of the employee. The employee craves for notice and recognition and if his cravings are not satisfied by his normal relationship in industry, he will be easily led by opportunists to enforce recognition as a trouble maker. A wise employer will assure a feeling of conscious pride and progress in his employees by teaching him pride in his task and establishing such acknowledgment of loyal service as will satisfy the employee that his labor is not a temporary thing of expediency, but a career of experience and accomplishment.

"Employees have no great personal experience in negotiation or business practice and are therefore very open to suggestion in such matters. The employer will best serve his own and his employees purpose and benefit by ensuring that



"their business relations are established on sound lines of tolerance and tact, for, if the employer resorts in practice to arbitrary dealings, he is the instructor of his employee in like tactics.

"A most important psychological point to remember is the relative susceptibility of the employer and employee to influence and guidance. From the very fact of his habit of carrying out the orders and ideas of others, the employee has not equal resistance to suggestion to the employer, and can be more readily led. This basic fact leads to abuses of labor, not alone by the employers, but more significantly by others outside of employer and employee relations. Exploiters of labor from the outside by persistent advocacy of plausible propositions get labor to espouse the proposal as their own cherished idea and ambition, whereas the idea is in fact perhaps a fettering of labor or operates to exploit or impede labor.

"Legislation to protect labor from exploitation by capital is governmental recognition of an inability of labor to fend for itself individually, and such recognition calls for equal protection of labor from exploitation from other sources. It is difficult to distinguish what claims of labor spring genuinely from the employee and what claims are advocated as labor claims, but in reality spring from the cunning devices of those who would



"exploit labor from the unsuspecting background by being able to pose as the friend and advocate of labor.

"Let us review some of the institutions and prerogatives advocated for labor with a view to ascertaining whether in fact they are a benefit to labor:

"1. Collective bargaining and designation of representatives of their own choosing.

"The convenience and efficiency of the conduct of negotiations through a representative authorized to speak and contract on behalf of employees can hardly be argued in theory. The very fact that the matter put forward by the representative springs from the majority gives it prestige and justifies more attention than the claim of the individual. The natural inference attaching to a chosen representative is that he best and most ably can evaluate and present the views of the many. The efficiency of discussion with the few over protracted negotiations with many divergent views is obvious.

"From the practical point of view the whole value of the theory collapses if there is only the semblance and not the reality of a conviction and desire of the majority or if the representative installs himself by questionable methods and maintains his position to enforce his personal ambitions rather than the genuine needs and



"and convictions of the majority that he presumes to represent.

"The bare provision of collective bargaining and designation of representatives of employees own choice is open to abuse and exploitation, and should be ensured as a genuine provision by supplementary restrictions against abuse.

"2. The closed shop and check off.

"There is no obvious advantage to the employee in the theory of the closed shop and check off. They are artifices of labor organizers to facilitate organization and ensure consolidation of organization activities. The very nature of the convention indicates a curtailment of freedom of action for the employee and an enhancement to the organizer, for there is compulsion in its operation and the organizer is free to proceed on a basis that the very existence of the law persuades the employee to join the union in fear of discriminatory action when the coercive phase of organization is brought about. Once a majority has been signed up the closed shop is demanded and union membership becomes a condition of employment and all are forced to join. The circle is completed by the check off and an air-tight organizers' set-up is established from which none may escape.

"Nowhere else in the society of free men is such privilege and avocational assistance



"provided to a single element of the population.

In this country all men are supposed to be on an equal footing of personal advantage, but to be consistent with other persons dealing with employees such as a salesman of group insurance (which is a most desirable institution, providing security against inability to earn for the monthly fee required) we would have to legislate that if the salesman were able to sign up half of the employees in a plant, the other half would be obliged to take on the insurance whether they liked it or not and the employer would be obliged to deduct the monthly insurance fee and remit it to the salesman on pain of having the whole operation stopped if he refused to do so."

I have had insurance salesman argue with me on group insurance, that it was more essential to the ultimate welfare and establishment of labour than collective bargaining, and, as a matter of fact, the Beveridge Report looks as if that was recognized, that security against sickness is a most important phase of a workingman's life, and if collective bargaining is also an important phase, and a closed shop is justified, then an insurance salesman is just as justified in asking for a closed shop as a labour organizer. They are both making a living out of that job.

"Insurance salesmen are just as much entitled to claim closed shop and check off



"rights as professional labor organizers. The professional labor organizers justify the closed shop as a natural application of the democratic principle that the will of the majority shall prevail and there is no reason that others should not invoke the doctrine. The transparent fallacy of the application is, of course, that the true doctrine of democracy that the will of the majority shall prevail does not rob the individual of his personal freedom of inclination and decision.

"3. That trade unions should be given legal status.

"If any union is illegal under our law, it is because it is a combine in restraint of trade. Lord Justice Lindley said in 1889,

'The general proposition that every society which has rules in restraint of trade is unlawful, i.e. criminal, and that its members are punishable at common law was denied by the court in *Rex v Stainer* and cannot be supported'

again

'Where the general objects of a society are legal as in the case of a provident society, the object of which is the relief of members when disabled by age or accident, or when out of employment, the fact that some of its rules are illegal as being in restraint of trade, does not constitute the society an illegal society'.

"But on the other hand, Justice Hannan said



"in 1869

'If the printed rules are not the real rules of the association and if the society under the pretence of being a benevolent institution is really a scheme in whole or in part designed for the encouragement and support of illegal strikes, the society must be deemed to be established for an illegal purpose.

"If we are to legalize employees combines, the employers can combine too, for I do not believe that Lord Justice Lindley's definition of a trade union has ever been upset - it was

'Trade union means any combination for regulating the relations between workers and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business.'

"If the government is to legalize combines for one crowd, they must do it for others, and others are already picking up the idea. A farm group leader said recently that if CIO could organize and defy the government so could their particular group of farmers - and why not? Every group will be forced to organize for collective bargaining and the country will be filled with the strife of powerful factions, each bent ruthlessly on getting its share regardless of who pays the piper. That is the sort of thing that leads to civil war.



"If the legislature is going to embark on the dangerous precedent of legalizing combines, prudence would direct that such license be accompanied by appropriate control and regulation with complementary duties and responsibilities.

"4. That company unions should be made illegal.

"'Company Union' has received many definitions. The Wagner Act does not specifically define it. The Colorado Act defines it as an organization of employees, the members of which are the employees of only one employer. The Hon. Peter Heenan defines it as one dominated or financed by the company, but generally it includes works councils, benefit societies, employees' associations and that sort of union, the objects of which are not solely collective bargaining, but principally benefits to its employee members. Such unions were in existence in 1867 and were then and still are legal organizations because their objects were constructive and a benefit to society as a whole. There were also at that time organizations whose principal objects were as combines in restraint of trade, and it is not so strange that even at that time some organizers of these illegal associations masked their real objects with laudable camouflage, nor was it strange that people saw through

... and the ...  
...  
... not was it strange that people saw through

"the camouflage then as they do now.

"It was and still is quite logical that unions that indulged in illegal strikes should be deemed illegal organizations, but it seems illogical that it should now be proposed that unions going on strike in defiance of the law should be declared legal, while with the same breath long established employees' organizations of well known accomplishment in the field of employee betterment and security and of outstanding patriotic endeavor during the national crisis should be declared illegal.

"There is an obvious reason for such a proposal, of course, and it is that some politicians and some labor organizers only can thrive on discontent, and the example of contented employees adjusting their differences with their employers in common sense and harmony, and at the same time getting something for their money besides strife is bad for the business of those who thrive on discontent and strife.

"It would require some courage on the part of the lawmakers of Ontario to disband an organization like the Bell Telephone Works Council by declaring it illegal and with the same stroke of a pen declare the law defying elements of SWOC legal organizations."

THE CHAIRMAN: What is SWOC?

A. Steel Workers' Organizing Committee. Those



are the ones that called out the steel strike.

"5. The Hon. Peter Heenan is reported to have made a point that trade unions fear persecution by legal proceedings at the instance of powerful employers.

"There lies behind this a presumption that unions are to receive some legal form of organization as well as legal standing. Justice Farwell found

'A trade union is neither a corporation, nor an individual, nor a partnership between a number of individuals - - - It is an association of men which almost invariably owes its legal validity to statute'.

"Statutory legality does not necessarily give a union legal form or create it a legal entity. I hope the Labor Minister intended and that the legislature will see to it that unions have legal form and are legal entities if they are legalized, for that would greatly assist unions in effecting contracts. No employer likes to sign a contract with a will-of-the-wisp without any form. If unions can and do take contractual responsibility it will help them to get contractual benefits.

"If the fact is that the unions do not want to be in the position of assuming responsibility for their acts, it is not very promising assurance of their intentions.



"No organization presuming to be an important factor in national life can expect recognition or esteem unless and until it assumes responsibility for its actions. The public at large does not attribute much significance to the aspirations of adolescence except in a benign or patronizing way. The transition from adolescence to manhood comes with the assumption of contractual and financial responsibility, and with that assumption of responsibility comes a new consciousness of equality and purpose. Unionism has progressed past the stage of patronage, it demands contractual and statutory rights. To qualify for maturity, legal responsibility is a prerequisite.

"There is no need for unions to fear legal persecution any more than any other law-abiding organization. If unions indulge in irresponsible action or run in conflict with the law, they have no justification of complaint if they are called to account for their action. Irresponsible youth can expect no standing or privilege and the same applies to unionism.

"No person should be forced to deal or contract with an irresponsible, no man should evade the natural consequences of his acts or authorities. Privilege should not be debased to irresponsible license. Employees should be granted clearly defined rights, but they should be accountable for things done with their authority or knowledge.



"Labor has allowed opportunists to walk in its ranks, usurp its prerogatives, use its name and place for selfish ends, flout the law and decent convention, all in the name of collective bargaining and negotiation by compulsion. The result was a wave of industrial strife. The reason was that the representatives were not the calibre of men that could or would negotiate on merit. Strife was tonic for their organization tactics and turmoil was created as good business for the organizers. Petty matters were magnified to major issues. Demands replaced representations. Findings of tribunals were repudiated, anarchy was rampant.

"If we preach 'self organization' here, let us see that it is really just that.

"If we believe in 'representatives of their own choosing', let us see that no one tricks labor and really appoints himself.

"If we want to assure 'equality of bargaining power', let us make it on a prestige basis, not on a trial by combat basis.

"Let us make the labor field unattractive for opportunist activities.

"Let us make labor conscious of equality of opportunity, responsibility, and contract.

"Let us make employers conscious that collective bargaining has come to stay, but that in Ontario it will be free of the abuses that have



"crept in elsewhere and that labor relations will not be a field for promoters or special privilege of any kind.

"Let us tramp down hard on agitated industrial strife.

"Mr. Mosher is reported to have told this committee that there were 331 strikes and lockouts in 1941 and a similar number in 1942. How many of these incidents were the genuine and spontaneous actions of employees and how many were fomented as part of an organization program or to enliven a union in which interest was waning and fees were becoming hard to collect? Does the similarity in number of incidents represent the natural incidence or the yearly quota of a deliberate program? Why damn the employees when the agitators are to blame in many instances of arbitrary demand? Who promoted the idea that Nova Scotia miners would strike unless they got more than their quota of butter and commodities? Any realistic treatment of the requirements of labor legislation directed to industrial peace cannot ignore the disturbing factors of that minority group of labor organizers who intend to organize whether the employees want it or not and who recognize no curb to their activities that is not direct and punishable.

"Directed to the establishment of collective bargaining on a realistic basis, I wish to submit



"for your consideration two specimen enactments, the first is a recent bill drawn in Colorado dealing with collective bargaining and the second drafted by myself as a suggestion toward legalizing unions with form as well as legality and also provisions directed to the elimination of high pressure domination of unions by small groups. As mentioned before, I have also included Chapter 18 of Industrial Management which is a short but comprehensive study of the human relations involved in the problem you have undertaken."

Since I wrote that another bill has come in from Colorado that runs very close to the purpose of the Bill that I drafted. I would like to point out, if I might, the difference in this Colorado bill and the Wagner Act.

The Colorado Act starts off with a declaration of policy:

"The public policy of the state as to employment relations and collective bargaining, in the furtherance of which this act is enacted, is declared to be as follows:

"(1) It recognizes that there are three major interests involved, namely: That of the public, the employee, and the employer."

I submit there is a fourth, the labour organizer. He is a necessary incident and should be given recognition.

"These three interests are to a considerable



"extent interrelated. It is the policy of the state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

"(2) Industrial peace, regular and adequate income for the employee, and uninterrupted production of goods and services are promotive of all of these interests. They are largely dependent upon the maintenance of fair, friendly and mutually satisfactory unemployment relations and the availability of suitable machinery for the peaceful adjustment of whatever legitimate controversies may arise. It is recognized that certain employers, including farmers and farmer co-operatives, in addition to their general employer problems, face special problems arising from perishable commodities and seasonal production which require adequate consideration. It is also recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding employment relations, they should not be permitted, in the conduct of their controversy, to intrude directly or indirectly into the primary rights of third parties to earn a livelihood, transact business and engage in the ordinary affairs of life by any lawful means and free from molestation, interference, intimidation, restraint or coercion.

"(3) Negotiations of terms and conditions of



"work should result from voluntary agreement between employer and employee. For the purpose of such negotiation an employee has the right, if he desires, to associate with others in organizing and bargaining collectively through representatives of his own free choosing, without intimidation or coercion from any source.

"(4) All rights of persons to join labor organizations or unions and their rights and privileges as members thereof, should be recognized, safe-guarded and protected. No person shall be denied membership in a labor organization or union on account of race, color, religion, or by any unfair or unjust discrimination. Arbitrary or excessive initiation fees and dues shall not be required, nor shall excessive, unwarranted, arbitrary or oppressive fines, penalties or forfeitures be imposed. The members are entitled to full and detailed reports from their officers, agents or representatives of all financial transactions and election of officers and the members have the right to elect officers, periodically, by secret ballot and to determine and vote upon the question of striking, not striking, and other questions of policy affecting the entire membership, by secret ballot.

"(5) It is the policy of the state, in order to preserve and promote the interests of the public, the employee, and the employer alike,



"to establish standards of fair conduct in employment relations and to provide a convenient, expeditious and impartial tribunal by which these interests may have their respective rights and obligations adjudicated, without limiting the jurisdiction of the courts to protect property, and to prevent and punish the commission of unlawful acts. While limiting individual and group rights of aggression and defense, the state substitutes processes of justice for the more primitive methods of trial by combat.

"(6) It is hereby declared to be the common law of the state that no act which if done by one person would constitute a crime under the common law or statutes of this state shall be any the less a crime if committed by two or more persons or corporations acting in concert, and no act which under the common law or statutes of this state is a wrongful act for which any person has a remedy against the wrongdoer if done by one person shall be any less a remedial wrong if done by two or more persons or corporations in concert, nor shall the injured person be denied relief in the courts of this state in law or equity as such relief may be expressly limited by statute."

I submit that is a sounder premise for labour legislation than is contained in the Wagner Act because it recognizes, which the Wagner Act does not recognize, the respective rights and responsibilities of the



parties. I believe if you will peruse the Act you will find it is fair, square and comprehensive as to all the parties. I am not suggesting we adopt that in Ontario because there may be things in that Act that are not applicable to Ontario, but it is an aspect of collective bargaining. On top of that I was told by a member of this Committee that the Act I drew on labour organization was drastic. All right, maybe it is drastic, but collective bargaining is drastic, legalization of combines is drastic. There are a lot of drastic aspects to the material we are going into.

I would ask you to read, if you ever get a chance to get finished with this thing and get down to a consideration of all that has been submitted, the House bill that came in the day before yesterday of Colorado as to the filing of material and the setting up of unions in the states. I believe that that act, <sup>in</sup> if it was put in Ontario, would do much to terminate the resistance of employers - and I have questioned a good few; I have questioned employers that are regarded as against everything. I asked one what he thought about it. He said, "That looks all right. All I want to get rid of is these guys that come and put a gun <sup>at</sup> right <sup>at</sup> my head and say, 'Do this.'"

THE CHAIRMAN: How many in your experience are there of the labour organizers that go on with that kind of conduct - dash into an employer and say, "Here, you have to go and do this"? A. Not many, but they dominate the situation, they dominate the newspapers.



Q. I was interested when you were reading your brief. A great deal of it, while not bitter is quite antagonistic in its attitude toward labour organizers. How could a union exist without an organizer? A union has to have a head, does it not, like a corporation?

A. I have no fault to find with the great majority of labour organizers but there is an element in there that I resent. I resent them for labour.

Q. That is what labour, during the evidence we have had, resents on the part of a few employers - not all, but it is the few. They say most of them are all right.

MR. DRUMMOND WREN: Would his bill provide for the counterpart of the organizer; that is, the corporation lawyer? The claims you have made against the organizer, labour usually makes the same claims.

THE CHAIRMAN: Mr. Wren says that labour was making the same claims against some of the corporation lawyers who often do cause more disturbance than any of the organizers.

MR. WREN: Does his bill cover the corporation lawyers?

WITNESS: I do not see a difference between corporation lawyers, if they are organizing labour. If they are organizing labour they are labour organizers.

MR. WREN: If they are organizing the employers?

WITNESS: If some corporation lawyer comes in at the suggestion of an employer to organize employees



he, in my mind, is a labour organizer.

MR. WREN: I am suggesting a corporation lawyer that organizes the employers, not employees.

WITNESS: As I said there, according to Lord Justice Lindley's definition, if employees can organize, so can employers.

A VOICE FROM THE AUDIENCE: They do.

WITNESS: They do, but it is illegal. We do not have it. We prosecute them. We have to make an exception. Do not forget what the law is; it is the rules we live by and accept. The public at large have accepted the rule that employees can collectively bargain. The fellow that does bad bargaining, I do not care whether it is a corporation lawyer or an organizer, he should be trampled on.

I hope, sir, I have done a little more than take up your time. To me the real significant thing, if we are looking for industrial peace, is to get the disturbing element out of it, and they are very few.

THE CHAIRMAN: That is the problem. I have not had a chance to read your bill yet, Mr. Byrne.

I suppose it incorporates most of the suggestions outlined in your brief?

A. I don't say it is a cure-all. I drafted it because I felt there should be something done about it. I believe the last year and a half, on account of the irresponsible action of a few labour leaders, has hurt labour as a whole in this country.

Q. You think it is like prohibition, it has put



the cause of true temperance back?

A. I believe prohibition put true temperance back years. I believe labour is entitled to a place and entitled to recognition. The ordinary workingman is as fine a citizen as you can want to meet.

THE CHAIRMAN: There have been some very nice ones come up here. They have been very reasonable.

A. Very reasonable. I go into plants. I was in a little plant a while ago and the president of the company was just bubbling over with enthusiasm over a profit-sharing deal that the labour organizer had suggested to him, and they were working it out together, and they were real friends. I have a lot of friends labour organizers. There are some fellows that are labour organizers, and there are some ministers you don't like.

Q. The discipline committee of our profession has quite a bit of work to do, hasn't it?

A. That is right. The main thing I want to get over clearly is to keep our eyes open for the things that are inevitably connected with the thing. You cannot just say that is a labour act, if it is not a labour act that takes cognizance of those personal factors and all the people that are going to be mixed up in it.

Q. You can understand our job is not so easy.

A. I am glad I have not got it.

Q. Because representatives who have spoken for manufacturers' associations come and tell us that if



a  
we recommend collective bargaining bill and the Legislature sees fit to adopt it in some modified or amended form, there will be nothing but strife and turmoil and bitterness all over the Province; on the other hand, the representatives of organized labour come and tell us if we do not pass the bill there is going to be the same strife, turmoil and dissension all over the Province. So we have not the simplest problem in the world in front of us.

A. I sincerely believe that you can draft a bill that puts things up on top of the table instead of under the table, as, I submit, the Wagner Act kept the real issue under the table - that you can draft a bill, put it on top of the table and 98% of the employers of Ontario will O.K. it and abide by it, but you have to take that demand and dare out of it.

Q. That never gets anybody anywhere.

A. It never gets it anywhere. It is an obstruction to labour.

Q. I must say in fairness there has not been anybody here demanding or daring from either side so far.

A. It might be different if they had the Wagner Act in Ontario.

Q. There are lots of objections to the Wagner Act; that is, right in labour too, because there are thinking men in labour, I know, that are opposed to certain provisions in it.

A. That is right.

Thank you very much.

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---(The witness withdrew)



MR. DRUMMOND WREN: May I introduce this delegation for which Mr. Roebuck is going to be the spokesman? I do not know whether we will have an opportunity to start before you retire. I thought in case some of the people on the delegation may not be able to come back this afternoon, because they are busy people, I would introduce them now. Mr. Chairman, I am going to introduce representatives of a cross-section of the community, as you will note, and I would ask the privilege of calling on each one so you will know who they are, and then at the end introduce our spokesman.

The first of the group is Rev. J.O. Denny of the Mimico Presbyterian Church;

The Rev. Mort. Freeman of the Fellowship of Christian Social Order;

Mrs. Elizabeth Brown of the Housewives' Consumer Association.

THE CHAIRMAN: That is an important representative.

MR. WREN: Miss Margaret Gould, editorial writer of The Toronto Daily Star;

Rabbi Samuel Sacks, who is, in addition to his religious duties, Chairman of the Advisory Committee of the cloak and suit industry;

Controller Robert Saunders;

Mrs. May Birchard of the Toronto Board of Education;

Miss Margaret Nicholson of the West Toronto Y.W.C.A.; and for our spokesman,

The Hon. Arthur Roebuck, M.P.



THE CHAIRMAN: I do not think you gave the Committee your name.

MR. WREN: Drummond Wren. My interest is, having been on so many boards of conciliation in matters relating to union recognition in the past two or three years, I am praying to God you will get a bill through so I can get back to do some other work. You will notice that this Committee is representative of a fairly good cross-section of the whole community, the church and other organizations, and Mr. Arthur Roebuck is the spokesman for this organization.

THE CHAIRMAN: I do not suppose you want to start before lunch.

----Whereupon the Committee adjourned at one p.m. until two p.m.

(Page 975 follows)



MONDAY, MARCH 15, 1943  
AFTERNOON SESSION

---Upon resuming at 2.00 o'clock p.m.

THE CHAIRMAN: The committee will please come to order.

MR. FURLONG: Mr. Roebuck has a presentation to make, Mr. Chairman.

HON. ARTHUR W. ROEBUCK, K.C., M.P., Sworn.

Submission by the Hon. A.W. Roebuck, K.C., M.P. on behalf of Civic Community Group composed of representatives of public organizations, church organizations, etc.

Mr. Chairman and members of the committee, Mr. Drummond Wren has stated that I would be the spokesman for the little group who came here in larger numbers than are present at the moment, but I would like it to be understood that I am not the only spokesman, nor would I assume to say everything that is in their minds, nor all that should be said on this subject. I have come here because I have had some experience along the lines of collective bargaining which I think may be of interest to the committee, and which I think perhaps might well be made a matter of record in this manner.

Prior to 1934 I was in private practice in the city of Toronto, and I represented a very large number of unions, particularly the needle trades in the general district which I later represented in the legislature. At that time there was great unrest in that particular industry, and in others as well, in the city of Toronto.



I went through general strikes in which thousands of men and women played a part, and in which we had disturbances on the public streets that can be described without exaggeration as street battles. I appeared in the police court morning after morning defending a new group, first on the union side and then on the employers' side, charged with violence against some other citizens, which was a highly undesirable condition of affairs.

After we took office, some of you may remember that I devised and piloted through the House the Industrial Standards Act, the principle of which is collective bargaining, and associated with that principle is compulsory collective bargaining. I found in my private experience in negotiations, and so on, over a number of years in the labour world that it was one thing to enter into an agreement between the employer and the employee, and quite another matter to carry it out or have it carried out. I saw a general agreement entered into between the needle trades, I think the cloak makers, and their employers, as to rates of pay, hours of labour, and other conditions as set forth in that agreement after great discussion; but unfortunately there were included in the agreement only the good employers. Employers, like employees, are divided into those two classes. The great bulk of them are considerate, kindly gentlemen, who desire the welfare of their employees and the public generally; they are not desirous of maintaining starvation wages or sweat-shop conditions; the great bulk of these men joined with the



unions in collective bargaining agreements. Perhaps it had some advantage to the employee, but it had a great advantage to the employer, because it brought about settled conditions and got the men in the plant back to work. Unfortunately, however, the chiselling commenced at once, and somebody undersold the rest of his competitors because he was able to do so by chiselling on his employees. I saw an agreement of a most beneficial character go all to pieces and be abandoned by both the workers and the employers because of the wolves and the chisellers in the trade.

MR. MACKAY: Q. Prior to the Industrial Standards Act? A. Yes, it was after that that the Industrial Standards Act was passed. I want to draw attention to a feature of that Act. The principle of it was that when a number of employers and employees joined together in a written agreement and both sides represented a sufficient majority, first of the employers and then of the employees, the agreement could be made applicable to the entire industry. And so you had a compulsory bargaining agreement enforced on those who did not come. That was the point of it, and that was why it was so beneficial. The fellow who did not come was represented, whether he liked it or not, by those who did; and if he did not take part in modifying the agreement to suit himself he had to accept it anyway, and the agreement therefore represented the whole trade. It was compulsory on those who did not attend.

Now, see what the results have been. Gentlemen,



there has not been a general strike in the needle trades from that time to this, not a general strike that is worthy of the name of "strike." There have been literally hundreds of agreements extended to the industry generally, and there has never been a strike in a single case where the parties had entered into an agreement under the Industrial Standards Act, and I know by personal knowledge and not hearsay at all that in the needle trades that Act has saved thousands and thousands of dollars to the employers of the city of Toronto alone, and also many thousands of dollars to employers outside of the city; and it has saved the working people of the city of Toronto much heartache, much dissatisfaction, many hates and animosities that would otherwise be existent. There you have the principle of collective bargaining made compulsory on those who did not come, working a tremendous advantage in our community.

This morning we heard a brief which stated that all progress is obtained by strike. Well, the ladies and gentlemen whom I represent do not agree with that dictum. I recall a statement of the late John Burns in the English House of Commons many years ago. He said: "Gentlemen, I am a man of peace, but there are times when a sock in the jaw is a good argument!" Well, there are times when a sock in the jaw seems necessary, but it is the kind of argument that we should avoid by every possible means. Nothing is gained by warfare, and real progress does not come by hate and turmoil; it comes by quiet thought, and it is carried out by cooperation,



which is no doubt what you are struggling towards, gentlemen.

I know when I was advocating and preparing the Industrial Standards Act for submission to the House, we heard many delegations, - not as many as you have, Mr. Chairman, - twice a week for a month or more in the library of the Attorney General's office. I sat at the head of the table and heard representations made at great length, and I was impressed by the representations of one group who called themselves the Manufacturers' Association, but I think they were only a small wing of that association. They were opposed to everything. Apparently their only desire was to hold the status quo, not realizing that the status quo must be modified from time to time because the world is changing, and we must keep up.

So you have here the same type of representations that I heard at that time, by people who would try to frighten you out of any change, good or not, by saying "Boo" at you. I am afraid they are going to have to stand aside, and I know now that there were men in those groups who were opposing violently the introduction of the Industrial Standards Act who since that time have made thousands of dollars out of the Act, and who today would approve of it and object to its abolition.

Now, let me point out how far that Act has gone. There are some 15 general trades who are subject to scheduled agreements with regard to wages and hours of labour: The baking trade in Ottawa; the barbering trade in several cities; the bricklaying and stone-



masonry trade in Ottawa, Galt, Kitchener and Waterloo; the building industry in Kitchener and Waterloo; the carpentering industry in ten cities; the coal delivery in Toronto only; the common labourers in construction work in Windsor and Ottawa; the electrical repair and construction industry in Windsor, Ottawa, Kirkland Lake and Kingston; the hard furniture industry throughout the entire province - I know you have had representations from these people who speak highly of the results of collective bargaining under the Industrial Standards Act - the soft furniture industry in Toronto and district; the ladies' cloak and suit industry for the province; the logging industry of Thunder Bay; the men's and boys' clothing industry of the province, - and that applies to the making of uniforms for the armed forces, and there has been nothing but harmony in that industry during the entire war; the painting and decorating industry at Ottawa, Kingston, Hamilton, Kitchener and Waterloo; the plastering industry in Ottawa, Toronto, Galt, Kitchener and Waterloo; the plumbing and heating industry in Windsor, Township of Teck, Ottawa and Hamilton.

The agreements recently expired are; the first industry I mentioned, the baking trade in Ottawa; the taxicab industry in Toronto, which was in a terrible condition prior to their entering into a collective bargaining agreement; the gasoline service industry in Toronto and district. Probably the agreements will be renewed.



Gentlemen, there are at the present moment as many as 89 schedules in effect in this province under the Industrial Standards Act. There has been a maximum of 97. There is a total number of people directly affected by the Act of 27,500, men and women workers. I mention that because I think it applies in many ways to what you have before you. It was a genuine and serious attempt to bring about harmony in industry by a bargaining measure which had two elements of compulsion, one being that the agreement itself could be enforced, and secondly, that it could be made to apply to people who would, not come.

So your proposition here is only a slight extension of what has already been done, and successfully done, and this Act that is now on the books has been there for seven or eight years; it is standard legislation which has been adopted by other provinces; it is sound legislation, and it is lasting legislation. All that is being asked of you now is a slight extension of the general principle that you find already in the statute books: that is to say, that the employer shall not be allowed to shut the door in the face of the employee. It is about the mildest thing that I could imagine. You are not being asked for a bill which will require the employer to enter into any agreement, much less to carry it out after it has been entered into.

Gentlemen, at the present time there are over 1,000,000 men and women engaged directly in our war factories; one in five of that population are women, and



I want to pay tribute to the great mass of them. I think I can saying they are working long hours, many of them with great enthusiasm, and most of them without thought for themselves, ready to endure overtime or to do extra work or arduous work because they are interested in Canada's war effort. There are some, of course, who do not qualify for that praise, but they are few in number. And the amount of time that has been lost by strikes since the outbreak of war when compared with the grand total of hours worked is a mere drop in the bucket, a trifle. I pay tribute to those men and women who have realized their responsibility to the nation as a whole and who, in the great mass, have foregone for the duration the great weapon of the strike. I know there have been a few regrettable strikes in Canada; they are the ones that have been publicized; they are what you see mentioned in the newspapers when something breaks out; but they represent a trifling proportion of the great mass of workers contributing to Canada's war effort.

MR. MACKAY: For whom is Mr. Roebuck speaking, Mr. Chairman?

THE CHAIRMAN:Q.Mr. MacKay would like to know whom you represent, Mr. Roebuck? A. I told somebody here, I think it was the reporter, that I represent the greatest union in the world, namely, the G.P.of C., or the general public of Canada.

THE CHAIRMAN:Q.Our population is not yet as large as that of China? A. No; but it is growing, and



while it may not be as large as the Chinese in bulk, it is most effective because we are producing more goods than the Chinese could turn out, if they all wanted to work. This industrial population of ours is effective, intelligent, patriotic and self-sacrificing, and prepared to go a long, long way in joining with those who are associated with it as employers, with the government, with the nation as a whole, in the making of the tools with which to win this war.

The proposition I want to put up to you, is this: I think you all agree with me in this tribute I am paying, not to everybody but to labour generally; and I ask you if the workers of this nation have realized that responsibility to keep working during the war, to forego the weapon of the strike, is it reasonable that when they go to the manufacturers' offices the doors should be slammed in their faces, or that employers who should really be more patriotic than the workers should sit behind green baize doors until grievances flare up into warfare and strikes result? I am a great believer, Mr. Chairman, in getting your feet under the table.

THE CHAIRMAN: Some like to put them on top of the table.

MR. ROEBUCK: I am speaking of your intellectual feet, because you can travel farther on those than you can on your physical feet. I am a great believer in getting men around the same table with their animosities, fears, hates and misunderstandings, and bringing it all out in the open and talking it over. There is



no problem between employer and employee that is not capable of solution by just men and men of good will, none. You come from an industrial district, Mr. Chairman, and so do I. I can remember speeches by Mr. Murray in the House which always commenced: "I am a working man myself"! Every man on this committee is a man of that type, and so you must join with me, I think, in this experience. I have seen men gather around the table who hated one another and who for some hours, when the conference opened, denounced each other and got it off their chests. Then perhaps at the end of the second day when everybody was weary of it all we finally put the signatures on an agreement, and went on with goodwill and good understanding for a whole year following. I am a great believer in the efficacy of discussion and negotiation, of reasoning together one with the other; and if you pass this bill I am satisfied that it will not bring about chaos any more than the Industrial Standards bill did, although it was much more drastic than what you are being asked for now. It will go on the books if it is well drawn. I know we are under this handicap, that we have not seen the bill that is being proposed, and one risks something in advocating a measure which one has not read. It might contain sections or ideas with which one would entirely disagree; but one must take his chance on that, and I am speaking to the broad principles only. I say if you will make it illegal for any employer to refuse to negotiate with the chosen representatives of his people you will



have done a great deal towards preserving the industrial harmony which now actually exists. I noted a phrase by a former speaker: "Industrial peace becomes an accomplished fact." You can make that so.

I heard the Minister of Labour, the Honourable Humphrey Mitchell, in the House last week or the week before last make the statement that there was not one single strike in Canada on that day. He said: "We have not one single strike today in Canada."

MR. HABEL: He must have forgotten the Wallaceburg strike.

MR. ROEBUCK: It is pretty well settled. I do not know whether he was 100 per cent correct, but he of all men ought to know; I think it is substantially correct. If you are going to preserve that peace in industry I think you must see to it that these people have access to the managers' offices where they can discuss and bargain and enter into agreements.

THE CHAIRMAN: Q. I thought you were rather talking your case out of court when you said we have no strikes at present, because it might be suggested that it might be dangerous to enact legislation that might stir up strikes? A. That would be an extraordinary deduction to make from my words, would it not? You have just to allow grievances to boil up. It is not because there are not grievances, not by any means; it is not because there are not differences of opinion between the employees and employers that we have no strikes. It is, in the first instance, because the great body of



employers believe in collective bargaining as much as I do, but with more responsibility than I have, because they put it into effect in their own works. It is different today from what it was five or ten years ago. Today large industries such as Chrysler, Ford, General Electric, and so on, have all come to the idea that collective bargaining is worth while, and they are doing it. They fought it tooth and nail for many, many years, but today the large industries both in the United States and Canada are supporters of collective bargaining, and we do not need to force this sort of thing on them; they are already with us. The man who will be affected by this bill is the man who ought to be affected by it, who is refusing to negotiate with his own men.

Q. In connection with collective bargaining, have you anything to offer in the case of employers employing less than five employees? A. I do not see why you should not include that number.

Q. In those industries the employers know everything that is going on? A. Then the bill does not apply, because they are already negotiating.

Q. According to the evidence, 8,000 out of 10,000 employers have 50 employees or less? A. Yes. Bring it down to small numbers. After all, five men can make a lot of trouble. There is no reason why five men in some little factory should not be treated like gentlemen by their employers, and five men shut out are five malcontents who may stir up the whole industry before they are through.



Now, there are two subsidiary thoughts: In order to make this bill a success and bring about the benefits of real bargaining and understanding between the employer and the employees you must provide some machinery for selecting the representatives; you must not leave it to the chance that now prevails; and there, gentlemen, I think you can show some great statesmanship in your drafting. I know that you agree with me as to the advisability of collective bargaining; nobody can talk against it; and if it is made compulsory on the few who are now standing out, it will not matter. Your real job is to see to it that the employee is given the opportunity of selecting his representatives and getting the ones he actually wants, not the representatives that are forced upon him.

Q. Would you suggest that there should be compulsory annual elections of the employees' representatives?

A. I would not go that far.

Q. Or every two years? A. No; I do not think it is necessary to have any compulsion about it.

Q. You agree with some submissions to the effect that there have been tremendous injustices worked on the union men by self-perpetuating officers who got in and got control of things and used the funds in their own interests, and giving the men who have been paying their dues a raw deal? A. I recognize that there are representatives on both sides who ought to be in jail.

MR. NEWLANDS: Q. You do not think they should have elections every year? A. No; I do not think I would



enforce anything of the kind.

Q. You are not consistent, are you? A. I would leave it to those who object to bring about an election, perhaps every year or whenever they made the motion to bring it about.

MR. NEWLANDS: I received a letter from a man saying he thought they should have a meeting every year? A. Give him some machinery to bring about that meeting in the company, and if the union does not call an annual meeting there will be machinery in the law by which anybody can call it if he does not like the representative who is doing his business. There should be some machinery in the hands of the minority, of the objectors, to bring about a new selection, and you should provide some method whereby intelligent people can conduct the election. That is a service which I think the labour department of the province could render to the industry of the province.

There is only one point left that hangs in this general situation, and that is that you must see to it that the employer does not dominate the situation, but that the employees are free to select their own representatives and not have the employer come in ahead of them or cut them off, because then you do not have collective bargaining and you do not have the union of the employees' choice. That is all I have to say, Mr. Chairman. I have not occupied very much of your time in expressing my views, and I think I have not misstated the views of any of those who will follow me. I know, gentlemen, that you have sat for many hours on



this work, and you have heard all sorts of ideas expressed. That is good. It has not done any harm. But if you do bring about a statesman-like measure that is workable and practicable and tends to greater bargaining and more harmony in industry you will have done more for the war effort, perhaps, than if you established a munition factory.

MR. HAGEY: Q. Out of your experience, sir, what would you say in regard to civil servants and municipal employees being included in a scheme of collective bargaining? Some of the details of this bill embarrass the committee more than the general principle you have discussed? A. Well, you see, there are different classifications, and I believe in taking a step at a time. I have seen attempts made at beneficent legislation frustrated by trying to go too far, and I would say to this committee that I would leave that over for next year.

Q. The inclusion of the civil servants? A. Yes, because you are into such a tangle of legal, constitutional, and other difficulties. I would wait until the civil servants come and ask to be included in the bill before I would put them in. That would be my hunch on it.

MR. A. A. MACLEOD: Q. Would you exclude them? A. No; I would not exclude them by any means. I would leave the door open to them. I am not sure that they want to come into it. If they do, they can come here and ask for it.

MR. HAGEY: Q. But if we did not exclude them they would be included? A. That will depend on your



definition, and that is why I think we would make better progress if we had a draft bill before us. You will be closing this sitting during the next three days. Perhaps this suggestion will result in an organization of the civil servants as the municipal employees are organized in the city of Toronto. We have the fire fighters in the entire province with headquarters here, and we have the police, and the civic servants of Toronto association. If they are interested in being included in this bill, let them come up and ask for it.

MR. HABEL: Q. Would you go as far as to say the employees' councils or any other committee who had been appointed by employers to bargain with the company should be outlawed? A. No.

Q. There is quite a difference of opinion as to what company unions are? A. I would outlaw that anomaly, a union which is dominated by the employer, because it is an anomaly.

Q. When the employees have by secret ballot decided to elect a committee to represent them as the employees' council, would you be against that? A. That is not a company union that you have described; that is a plant union.

Q. Some call it a company union, just the same?

A. What you have mentioned is a plant union, and if the employer does not dominate it and makes no subscriptions to it and is not in a position to guide it and force it to do this, that or the other thing, at his bidding, then you have simply a small independent plant union, and



of course it should be recognized. Size has nothing to do with it; it is the principle of it.

As to company unions, I suggested this morning that it reminded me of the story of Mr. Bennett holding a cabinet meeting. You all remember the story of how the former Prime Minister was walking down the street talking to himself and somebody asked if he had gone a little crazy, and the answer was: "No, not at all; he is just holding a cabinet meeting!"

A company union is just about that kind of a cabinet meeting, where the employer is talking to himself and getting nowhere, where the employer has a grip of some kind on the union so that it works to his purposes and not to the purposes of the employees. That type of union should be abolished or restricted in some way.

THE CHAIRMAN: Thank you very much, Mr. Roebuck.

---Witness withdrew.

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DRUMMOND WREN, Sworn.

WITNESS: Mr. Chairman and members of the committee, first of all I want to associate myself as a member of this group here today with Mr. Roebuck and the views he has put before you, and also his answers to the various questions asked.

I should like to add one or two little matters arising out of my own experience, gentlemen.

THE CHAIRMAN: Q. What is your occupation?

A. General secretary of the Workers' Educational Association.



Q. What organization is that? A. It is an organization of working people that we call a link between labour and learning. We bring university education to workers, and we are the medium to bring that sort of education to them either by radio, evening classes, study circles, and so on.

MR. FURLONG: Q. Are you with the university?

A. No.

MR. MACKAY: Q. Are you an officer of the local group in Toronto, or is it provincial? A. Ours is provincial and national.

THE CHAIRMAN: Q. How is it financed? A. By grant by each provincial government for tutors; by the Carnegie Corporation; by labour organizations and individuals; it is purely an educational movement.

MR. HAGEY: I can vouch for this organization. It is certainly worth while.

THE CHAIRMAN: It sounds like it.

Q. Proceed. A. As the officer for that organization I have been called upon by many unions and labour groups in the last two years, particularly in the last year and a half, to sit on about twenty boards of conciliation. Invariably we find that the question before these boards of conciliation is union recognition or collective bargaining, and had there been proper legislation in Ontario, or let us say had there been adequate labour legislation in Canada, a great amount of the injustice would have been eliminated. It is not only a question of collective bargaining. I do feel



that if there is going to be a labour bill, that labour bill should go a little farther than merely compulsory collective bargaining. We find in many cases on these boards that the employers would immediately say: "But we are not objecting to collective bargaining." This is in the last year or two. Now, they raise no objection to collective bargaining but they want to designate who the group shall be that they will bargain with, and as long as that group is not one which the employers themselves can dominate they do not want collective bargaining.

For that reason, gentlemen, any bill that comes through on collective bargaining must designate who the collective bargaining agency shall be. For instance, you will have it put before you - perhaps it has already been put before you during the sittings of the committee - before the sittings are over, that they are prepared to bargain collectively, but with their own employees, which means all the employees, and they are not an organized group. The companies favour bargaining with them, but that is impossible, gentlemen, because there can be no collective bargaining unless the employees are in an organization of their own. How could a loose group of that sort be a party to a contract? There must be an organization to bargain with, so that there will be the discipline of the organization over the organized group, whose representatives can speak for the employees; otherwise any contract signed could not be enforced because the employees themselves did not belong to a group that could be compelled to observe the



terms of that contract.

The attitude we have seen prevalent towards labour suggests that the employees are some sort of incorrigible step-children in this community, and that the employer must always be the one to keep them in line and find laws to restrain them. Labour is composed of adult people with minds of their own, capable of selecting their own organizations and officers. Gentlemen, they have selected you.

MR. ROEBUCK: And they did a good job, too!

WITNESS: If they can take that responsibility without having somebody else tell them who they shall select, surely they should have the right and responsibility of selecting their own organization and their own officers without interference from employers. I feel that any legislation must contain such provisions, and must outlaw company-dominated unions.

There has been some confusion about company unions. I think even the Trades and Labour Congress of Canada itself does not say you should outlaw a plant union freely chosen by the employees and not dominated by the company. They ask you to outlaw company-dominated unions because then there is no collective bargaining, and the employer can sit on both sides of the table.

THE CHAIRMAN: Q. And he can argue with himself quite easily? A. Yes.

MR. ANDERSON: Q. What about the city council?

A. It so happens that in most cities the employees are organized. The city council of Toronto bargains with its civic employees. The firemen have a committee,



and the street railway employees have a committee, and the hydro employees have an organization, all of whom bargain collectively. Most civic employees are of the working class.

The question was raised as to employers of a small number of men being exempt from the provisions of this bill. To exempt employers of four or five employees under any legislation that is enacted would encourage sweat-shops. Employers with small numbers of employees, because they are exempt from organization could pay whatever wages they desired, which would not only adversely affect labour, but the employers, too, and it would not be a good thing for industry. For instance, in the building trades an employer may have only four or five employees, but the employees all come from the building trades union. Take Oshawa, where there is a large plant with 4,000 or 5,000 employees organized, and a small plant of five or ten employees: Why should not the five or ten employees be allowed to bargain collectively? Otherwise it would mean that the employer could do what he liked with them, and often would do so.

THE CHAIRMAN: Q. Do you suggest that the government should take a secret vote in a shop employing five men?

A. It would be very easy to take, and would not cause them any trouble.

Q. And after the five men elected their officers there would be two left off the bargaining agency?

(No response)

MR. FURLONG: Q. The whole of the five men could go in and make an agreement? A. Or if they were in an



allied industry they could be represented by the amalgamated union.

Q. They could all go in and sign an agreement with their employer?      A. Certainly.

Q. There is nothing to stop them from saying: "We hereby agree to be bound by the provisions of this agreement"?      A. Yes.

THE CHAIRMAN: Q. There would not be much trouble in the case of a small number of employees?      A. No; there is no problem there, but it would not be right to exclude them.

---Witness withdrew.

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R. H. SAUNDERS, Sworn.

WITNESS: Mr. Chairman, and members of the committee, I just want to associate myself with the sentiments expressed by the two previous speakers. As far as we in the city of Toronto are concerned, we have a labour union representing most of the employees or which will represent most of the employees in the near future. We have been dealing with them around the table very successfully. We have on their recommendation set up in the city a small committee to go into the whole question of employee and employer relationships, and I believe it will work very successfully, and that we shall not have the difficulties we have had in the past.

THE CHAIRMAN: Q. What were your difficulties in the past?      A. Not knowing who represented the employees. That was our greatest difficulty. There



were so many different organizations that we did not know them, but now we know them because they are organized.

MR. ANDERSON: Q. Have you a collective bargaining agreement with your employees? A. We have nothing in

writing with our employees except a shake of the hand.

There were differences, and they came to us and we ironed them out.

THE CHAIRMAN: Q. And you found them reasonable?

A. Highly reasonable.

Q. We will not ask how they found you? A. I hope they found us reasonable, too. I am happy to be here associating myself with the Workers' Educational Association and this brief.

---Witness withdrew.

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(page 998 follows)



J.L. GABRIEL KEOGH, Sworn.

EXAMINED BY MR. FURLONG:

Q. Mr. Keogh, where do you live? A. St.Catharines, Ontario.

Q. What is your business? A. Barrister and solicitor.

Q. Who do you represent? A. I represent the Niagara Industrial Relations Institute.

Q. And what is the Niagara Industrial Relations Institute? A. That is a corporation which was incorporated under the Ontario Companies Act, a non-profit corporation without share capital, in May of 1942. The members of the organization are made up of some thirty large employers of labour in the Niagara peninsula, a large proportion being in St.Catharines, with other employers from Niagara Falls, Welland, Port Colborne and Merritton. It was organized to improve industrial relations between employers and employees in the Niagara Peninsula and to formulate policies for proper collective bargaining relations between employers and employees in that district.

Some of the members - I have not listed them all - are:

McKinnon Industries	St.Catharines, Ontario.
Lightning Fastener	"
English Electric	"
Hayes Steel	"
Imperial Iron	"
McKinnon Columbus Chain	"
Packard Electric	"
St.Catharines Steel Products	"
Thompson Products	"
Welland-Vale	"
Engineering Tool & Forgings	"
Foster-Wheeler Corp.	"
Atlas Steel	Welland, Ontario.
North American Cyanamid	Niagara Falls, Ontario.
Canadian Furnace	Port Colborne, Ontario.
Ontario Paper Company	Thorold, Ontario.
Alliance Paper Company	Merritton, Ontario.



Those are some that I listed while sitting in my car outside. At the outset I wish to say to you, Mr. Chairman and members of the committee, that the Institute appreciates very much this opportunity of making representations before you. We agree with the theory and principle of collective bargaining, and practically all our members, or a large proportion of them, have now or are negotiating collective bargaining agreements with, in most cases, the representatives of their employees, and in two or three cases with plant unions which are not company-dominated.

I propose, with your permission to read the brief which we have filed, and then read the draft act which we have also filed, and I shall welcome the opportunity to answer any questions to the best of my ability as I proceed:

"BRIEF OF NIAGARA INDUSTRIAL RELATIONS  
INSTITUTE TO THE SELECT COMMITTEE OF  
THE ONTARIO LEGISLATURE STUDYING A  
PROPOSED BILL FOR COLLECTIVE BARGAINING

"The Niagara Industrial Relations Institute appreciates this opportunity of appearing before this Committee and making what it regards as constructive suggestions in order that you may be assisted in your deliberations and help you to recommend the terms of a bill on Collective Bargaining which will meet the legitimate aspirations of workers while at the same time preserving the responsibilities and rights of both employers and employees as parties to collective labour agreements.

"This Institute has quite recently been organized under the laws of the Province of Ontario and is an association of employers in the Niagara Peninsula, numbering some 30



large employers employing in all some 25,000 workers. Its primary purpose is to bring about a better understanding between employers and employees in all matters affecting their mutual interests. It is also concerned with the formulation of a common policy and the establishment of uniform practices in all fields of labour relations. In these purposes the underlying factor is the improvement of relations with the workers. It cannot be said, therefore, that the Institute is not concerned with the proposal to introduce legislation dealing with the all important subject of collective bargaining. Moreover, the representative membership of the Institute, the diversified nature of the industries in the area, the foremost place which the Niagara Peninsula occupies in the industrial life of this Province, gives its views some weight and we believe that our suggestions, if adopted, will make for the most satisfying recognition of collective bargaining from the standpoint of both management and labour.

"The Institute was seriously concerned at the possibility of legislation being passed without giving management any opportunity of voicing its views on what is, after all, a subject with which it is seriously concerned. Moreover, there is legitimate objection to the procedure of incorporating in a bill only the views and desires of organized labour. Such a course, we are convinced, would have been against the best interests not only of management, but of organized labour itself. The appointment of this Committee to thoroughly study all aspects of the question removes from the minds of our members any apprehension that 'panic legislation' will be passed and we commend the Government for the



action taken as well as members of this Committee upon the importance of the work they are undertaking. That your labours may be fruitfully concluded and, if a collective bargaining bill is deemed necessary, that it may embody the collective wisdom of the Legislature, of labour and of industry, is our fervent wish. Needless to say, we stand ready to co-operate to the utmost in bringing the best possible light to bear upon this worthwhile objective.

"In the first place, we are of the opinion that legislation is unnecessary to bring about collective bargaining on wages, hours of work and conditions of service between employers and employees. We believe that the only realistic way of regulating relations between employers and employees is on a collective basis through the agency of the free, unfettered choice of the workers, no matter what that choice may be, provided the organization chosen is a legal one. But we believe that the responsibility for instituting the system of bargaining collectively rests squarely on the shoulders of management and the workers themselves, and in this day and age it should be totally unnecessary for the State to impose something which every right-thinking employer and worker considers to be the only practical programme. Collective bargaining has been firmly established for many years in some of the most important industries in Canada, the principles of which were laid down, and the practice of which has continued, without the whiplash of Government enactments. The railway industry, the pulp and paper industry, the building construction industry are outstanding examples and we see no reason why the common acceptance of collective bargaining should not be the rule rather than the exception.



"However, if industry and labour have not lived up to their responsibilities and have failed to bring about through mutual understanding a fair and reasonable system of regulating their relations by negotiation and discussion, and if this Committee is satisfied that an enactment of the Legislature is necessary to compel industry and labour to bargain collectively, then we respectfully suggest that the rights of both parties be protected and secured through the inclusion in the Bill of appropriate measures. The following suggestions are sincerely submitted as being designed to afford that necessary protection.

"The definition of a Labour Organization should not be restricted so as to embrace only those organizations holding charters from the Central Labour Bodies, whether of Canadian or American origin. While affording to employees the right to organize in whatever union they desire, we do not think that unions could as to membership to the employees of an individual plant, unions which may or may not be affiliated to National or International organizations, should be excluded from the definition, although we are satisfied that such definition should provide for some assurance that the choice of any union, independent or otherwise, is the free choice of the workers themselves, without control or influence from their employers or from the agents of their employers. We submit that the so-called independent unions or plant associations are bona fide organizations, the test being the desires of the workers themselves."



Now, We have that condition existing in three of our members' plants where they are quite satisfied to have their own plant union which is not company-dominated, and they do not want any other kind of union.

MR. FURLONG:Q.Nobody has asked that that should be done away with. A. Very well, sir:

"This Institute firmly believes in the practice of collective bargaining and on behalf of its members is prepared to give assurance that the right of the workers to organize in, and to bargain collectively through, the unions of their choice is not, nor under present circumstances, will it ever be in jeopardy. There are, however, some fundamental requirements which should be inserted in the Bill before any union, National or International, Independent or Affiliated, Craft or Industrial, should be recognized as the bargaining agency. It is a postulate of democracy that the will of the majority should govern, provided that any inherent rights of minorities are fully secured. The common law of this country recognized the right of individuals, not only to belong to any organization of their choice, but also the right to refrain from joining any organization. The membership in a trade union as a condition of employment is the negation of this right, a right which should be uncompromisingly preserved. The closed-shop, or its counterpart the union-shop, should not therefore be countenanced.

"Before any organization can claim recognition ~~as~~ the bargaining agency for a group of employees it



should be in a position to clearly satisfy the management from which it seeks recognition that it is authorized by a majority of the workers concerned. In this connection we have noticed with some apprehension a recent tendency on the part of the Dominion Government and the Provincial Government to seek to establish the right of unions to recognition, by means of a secret ballot of the employees. To our minds this procedure is basically wrong. In the first place a union derives its authority to be the bargaining agent by virtue of the willingness of workers to be represented by a strong union. To secure this representation they are willing to finance the organization by weekly or monthly contributions from their hard earned wages. A union seeking recognition, therefore, must demonstrate to the satisfaction of management or, if the union rightly or wrongly fears that a revelation of its membership records would result in discrimination against its members, to some impartial Government official, that it has, in fully paid-up membership a majority of the workers it seeks to represent. To attempt to establish this information by secret ballot is not consistent with the policy of unions themselves. A union claims to be interested only in the welfare of its members, that is, those who are willing to pay for the service which the union provides, although in the interests of building up goodwill and a potential increase in its membership it may, and frequently does, take up grievances on behalf of non-members. The secret ballot formula, however, is inherently wrong on two counts. First, it gives to men



who are not members and who have no intention of becoming members, the advantages of trade union membership without accepting its responsibilities. They seek, in other words, to ride the train without paying the fare, with the underlying thought in mind that by voting for the union they may be better off but cannot be worse off."

MR. FURLONG: Q. Supposing a company had a number of employees who did not belong to any union and they decided to choose their own independent organization or set up a committee amongst themselves, they could not have any membership to choose from. How would you do it if you didn't do it by ballot? A. Well, as you will see from the draft Act which we submit, we say it should be done by the paid-up membership. A vote by ballot is illusory for this reason, that the employee is asked: "Do you wish to be represented for bargaining purposes by us - let us say it is the C.I.O.? Yes or No." Now, that union may in fact have only 25% paid-up members in the plant, but what do you find in the case of all these votes taken around the province: 80% or 90% of the employees say Yes, not necessarily because they intend to join the union but because the union has started something and they are going to get on the band wagon and hope to get something out of it. In reply to the question put by my learned friend the counsel for the committee, we say: "If you have 51% members we will deal with you and negotiate a collective bargaining agreement with you. If you have not 51% paid-up members, let the employees themselves by a secret ballot choose a plant-negotiating committee"; which is a different thing altogether from saying:



"Do you wish to be represented by a union?" Let them pick out their plant-negotiating committee of six or eight or ten members, or one for each department in the plant, and the management will sit down and negotiate the agreement with them. They may be half union and half non-union men, and next year they may be all union men, or on the other hand the union organizer may have moved on to another plant and ceased to serve those employees, and in two years time it may be that they are largely non-union men; but it is the choice of the workers in the plant by secret vote in the plant. That, it seems to me, is a thoroughly democratic way \_\_\_\_\_ to go about it, and you have your negotiating committee representing all the employees. We want to negotiate with our own employees.

MR. DRUMMOND WREN: Q. A union might have 10%, 15% or 20%, as is the provision in the United States, but with 20% they can ask for an election. Why do you distinguish between the bargaining committee and the union? A. I was answering counsel. Speaking as an employer I am anxious that I shall have good relations with my employees, but you have to draw the line somewhere. If the union have the majority of my employees as members, I am willing to deal with the union. On the other hand, you would not expect me to deal with a union which has only 10% of my employees, and leave the rest out in the cold. So I say if they can say to a government official or to management that they have a 51% paid-up membership I will deal with them.

Q. But if after a vote is taken they do become members, what occurs? A. If they get that much stronger by the time the agreement is negotiated and you put your



machinery in force to elect your plant committee to carry out the agreement the union will elect the whole union slate on that committee and have the conduct of the agreement and be in charge of the grievance procedure.

Q. If you say that when they have a minority there should be a vote, but as soon as they get a majority they lay down their cards and become the bargaining agents, very well. A. The only kind of vote I object to is the vote to determine the bargaining agency.

Q. That is the question. You object to that vote. In many cases a union would have 10%, 15% or 20%, as is the provision in the United States, but with 20% they can ask for an election, and in that election get 90% of the vote; and the reason that 90% is in the union is because of fear of intimidation, and it is only by winning the vote and having the right to bargain collectively that they feel they can become members of the union. A. That is your view. I think a lot of that other 80% or 90% vote because there is only one alternative put before them: "Do you wish to be represented by the C.I.O. for collective bargaining negotiations? Yes or No?" If they vote No, there is no other machinery. They have only the one alternative, and they vote for that alternative although, if we say for the sake of argument, that three-quarters of them do not belong to the C.I.O. or do not intend to join, it is an illusory vote usually interpreted by the union to mean, so far as management is concerned, that the union has 90% of the employees as members, when usually it has no such number.

Q. The actual result is that 90% become members.



A. Our experience has not been that. Our experience has been that a certain percentage do become members.

Q. Usually the majority. A. Our experience has been that they keep up their dues for a month or two and then the organizer moves on to some other plant and the union membership falls down again. I am only pointing out that the election of a plant-negotiating committee to carry out the agreement and administer the grievance procedure, and so on, is absolutely fair both to union and non-union employees because, depending on the majority, one side or the other will elect it; and if, as you say, the union gets stronger all the time, it will elect the plant-negotiating committee year after year to carry out the agreement, and they will have the machinery for collective bargaining in their hands. If the union weakens and falls down, the employees as a whole will elect the plant-negotiating committee. Then:

"The second inherent fault in the secret ballot formula is that it gives an opportunity for union organizers, by means of intensive propaganda campaigns and the making of specious but unfulfillable promises, to whip up a sentiment for the union of a most transitory kind, by inculcating a belief that only by casting a vote for the union can the worker secure any benefit whatever. Majority votes in favour of unions under these circumstances at best are only illusory majorities and so far from helping the union, in the long run actually militate against the establishment of strong, healthy unionism. The interests of the members of this Institute lie in fostering and encouraging the formation of



strong, well-organized unions which can authoritatively negotiate with, and interpret the will of the workers to, management. The back door entrance brought about by the secret ballot does not, in our opinion, tend to make strong organizations because membership soon lags in the face of unfulfilled promises. Moreover, unions count on the psychology of the worker who would like to benefit from union privileges without paying dues in the hope that if a person votes for a union now, it will be in a position to force his membership when recognition is extended. We suggest, therefore, that the first requisite for recognition of any union must be its ability to show, on the basis of fully paid-up membership records, its right to represent the majority of the workers for whom it claims collective bargaining rights."

MR. MACKAY: Q. With regard to the instance you cite, assuming that the union shows on their records that they have a 51% majority of the workers in that particular shop, do you suggest that the management would sit in with them and recognize them as the bargaining agent, or should there be a vote taken as well? A. No. We will sit in with them and recognize them as the bargaining agent, and will negotiate an agreement with them, and do not want any vote at all, because votes disrupt production and cause bad feeling. We will negotiate an agreement with them, and that agreement will provide for election once a year by a plant-wide vote of all our employees to elect a plant committee to carry out and administer the agreement and negotiate grievances with management.



Q. Do you object to anything less than 51%?

A. Yes. You have to draw the line somewhere, and our theory is that the will of the majority should govern in a democratic country. Then:

"Another important fundamental is the condition which arises after a collective agreement has been consummated and where union membership tends to diminish through sheer disinterestedness. The union still holds the agreement, however, with the employing company on behalf of all or a majority of the workers. The usual practice is for agreements to run for a period of one year and to be renewed annually thereafter. Under present conditions it is almost impossible for the employer to know whether or not the union continues to enjoy the confidence of the majority of the workers. Moreover, regardless of what might be said to the contrary, union agreements in effect apply to all workers in a plant whether or not they are members of the union. Nor could it be otherwise. The practice of having one set of conditions for union men and another set for non-union men is an absurdity. True, the unions will claim that this is justification for the closed-shop or the union-shop. This, however, is essentially a union problem and no management would object if every employee became through his own voluntary action, a union member. What is a management problem, however, is in the discharge of its responsibilities to all of its employees to know whether or not the union continues to enjoy their confidence. The onus for satisfying management on this point should be placed



squarely on the shoulders of the union concerned. To this end, therefore, we suggest that a provision be inserted in the Bill which would require that evidence of the paid-up membership be submitted by the union, before an agreement is negotiated, executed or renewed. An election of a negotiating committee to be held in the plant by ballot of all employees regardless of their union or lack of union affiliation is desirable to provide the machinery to negotiate, execute and carry out the terms of the collective agreement after the bargaining agency has been determined by proof of paid-up membership as above. The advantage of this provision is obvious. So long as the union continues to represent the majority of the workers the negotiating committee which would be elected on a plant-wide rather than on a departmental basis, should inevitably be a union committee. So long, however, as the union representation drops below 50%, the right of continuing an agreement with the union as party of the second part will no longer exist. Consequently, the incentive of the union to service its members is continually present..."

MR. NEWLANDS: Do you mean that if some time during the year the union membership dropped below 50% that agreement would be out? A. No. The agreement would carry on, but the people who were administering it, the plant committee, would then be largely non-union, because the non-union slate would be elected on the plant committee instead of the union slate.

THE CHAIRMAN: Q. At the next election? A. Yes.

...and management would have the satisfaction of know-



ing not only that the union continued to represent a majority but, what is more important from an industrial relations standpoint, that it was doing a good job for its members and the employees generally. We realize that the objection of the unions to this proposal will be that they decline to participate in any committee composed partly of union and partly of non-union employees. In our opinion this objection is unwarranted. As stated above, if the union representation continues at 51% or more, the negotiating committee will be entirely union members, otherwise it would be entirely non-union for the reason that the total vote would determine the election of the union or non-union slate.

(Page 1013 follows)



"This Institute believes that the negotiating committee so elected should be assisted in the negotiating and administration of a collective agreement by any union officials, whether or not employees of the company, whom they desire. The utilization of experts by unions tends to enhance the value of true collective bargaining and we welcome the presence at periodical meetings of union officials.

"As to the terms of any collective agreements, we do not propose to make any observations. We believe in the full and free play of collective bargaining and for the moment make only this comment - that a collective agreement should be fair in its terms to both parties.

"The execution of a collective agreement, however, is not the end of the job; rather is it the beginning. It is merely the instrument by means of which the process operates. Consequently it is of supreme importance that both parties to the agreement be vested with full authority to enforce its terms one upon the other. Too frequently the terms of collective agreements have been broken with impunity. While employers are not exactly above suspicion in this regard, it is unfortunately too true that unions have been quite unable to restrain their members from precipitate action even in those cases where the union itself has condemned, or at least refrained from taking the lead in strike action in violation of an agreement. The recent strike in the Windsor



plant of the Ford Motor Company of Canada is a case in point. Here, a group of workers, in consequence of an alleged grievance, and in the face of an agreement which clearly provided for no stoppages of work during its existence, and which grievance was later proved to be entirely without merit, successfully tied up this vital plant for a considerable time. The union in this case only condoned the strike after it was actually in effect. In justice to the union, it is possible that had it been consulted by the aggrieved workers before resorting to a stoppage it would have advised against the drastic action. Whether the advice would have been heeded is another matter. The real point is that the union members, instead of being led, were doing the leading. A similar instance occurred in the recent steel strike where the Sydney steelworkers ceased work without notice and without authorization from their union. It was only after the stoppage had occurred that the union executive in solemn conclave authorized something that was an accomplished fact in any event and would have still remained an accomplished fact even if the union had refused to condone it.

"These are two outstanding examples of any similar situations. We think it indicates a complete disregard of authority by union members, that leadership is lacking in other words. If a collective agreement is to accomplish all it seeks to accomplish, then there must be recourse to some disciplinary action against those wilfully violating its terms and this



applies to both parties to the agreement. But if a union is not prepared to voluntarily punish those of its members guilty of infractions, the only remedy is to make provision for the collection at law of damages against a union for the acts of its members, exactly as a corporation is liable for the acts of its servants. For this reason, we suggest that unions should be made capable of suing and being sued, and that their members should be considered as servants of the union.

"This brings us to the question of union responsibility. It is a postulate that with power goes responsibility. That this is true in all fields of endeavour cannot be denied and, generally speaking, in our way of living our people are equal to the occasion. With the assumption of power goes a corresponding realization of the responsibility attaching. It is generally true in the field of labour organization. But no one wishes to deny either the fact or the desirability, that with the vast expansion of unions goes a tremendous potentiality of power. The time has now been reached when consideration must be given to the question - Have the unions shown consciousness of the responsibility resting upon them? If the answer is 'No', then consideration will have to be given as to whether the public interest requires the imposition of the responsibility they are unwilling to assume, and what form this imposition should take.

"In leaving this thought with the Committee, we are satisfied that many suggestions along these lines will be laid before you. The compulsory registration



and incorporation of unions, the filing and publication of their financial statements, of their constitutions and by-laws, etc., will be advocated. We support these suggestions. In addition, we propose to lay before you a suggestion which, we think, is new but not novel, effective but not revolutionary, and one to which the unions themselves can take no legitimate objection as it is in their best interests as well as in the interests of employers, workers and the public.

"Briefly, it is an Act for the licensing by Government authority of unions, union organizers and other officials of labour organizations in a similar manner to the manner in which real-estate and insurance agents, stock-salesmen and brokers are licensed. Members of these occupations are licensed in the public interest because the nature of their operations would cause great loss and hardship to the public if unfair dealing, fraud, or misrepresentation, is practised, and because solicitation of moneys is made. But under a scheme of licensing, fraud, misrepresentation and other unethical practices result in the cancellation of the offenders' licenses and the consequent deprivation of their livelihood. The further result is that these licensed occupations are now conducted on a high standard of ethics and they are now recognized as dignified and honourable callings.

"How much more necessary is it to protect the working class public against the fraud, unethical practices and misrepresentations of unprincipled labour



organizers? Indeed, we know of many organizing campaigns which have their whole basis on systematic misrepresentations of the worst kind - such as the irresponsible promises of altogether impossible wage increases, the suggestion that only by joining the union can the worker retain his employment, that by joining the union the workers can in effect take over the management of the plant, the suggestion of illegal strike action. We are all familiar with the tactics of some unions which distribute handbills and 'dodgers' containing misrepresentations of the most despicable nature, and there are other forms of grossly improper and insidious propaganda. A system of licensing unions and union agents would at once bring an end to these tactics, for the individual would know that he could be called to account for his misdemeanours and he would be liable to lose his license without which he could not work as a union organizer or official. On the other hand, it would at once raise the ethical standard of union agents and above all would permit the worker to judge of the long term advantages of trade union membership without coercion or the raising of false hopes based on specious promises. A worker joining a union because of his clear appraisal of the advantages of unionism makes a better union member than one who joins for the immediate but frequently illusory pecuniary benefits which he has been promised. A lifelong union man is a better proposition from the union standpoint than one who pays his first month's



dues but defaults on his second because of unfulfilled promises of glib union organizers.

"Trade unions are registered in England under the English Trade Union Acts of 1871 and 1876."

MR. MACKAY: Q. Is that compulsory? A. I believe it is, in that it applies to all unions in England.

MR. HAGEY: Oh, no.

MR. FURLONG: Q. It is permissible? A. I have not recently checked that Act, but I did check the next one:

"In this connection it is interesting to note that there has been a Dominion Act for many years known as The Trade Unions Act, Revised Statutes of Canada, 1927, Chapter 202, which is based on the English Trade Union Acts. Under the Canadian Statute, unions are given a number of legal privileges and legal rights if they register with the Registrar under that Act."

This dominion Act is not compulsory.

"However, Canadian Trade Unions as a whole have not availed themselves of the provisions of the Canadian Statute and the privileges granted thereby as apparently they do not wish to assume the responsibility imposed by that Act which permitted certain classes of actions to be brought by and against trade unions. This is an added reason why trade unions should be compelled to register and be forced to assume responsibility as outlined in the Draft Act submitted herewith. A further reason is that the validity of the Dominion Act has been doubted - see 65 O.L.R. 296 at 301 and 62 O.L.R. 40 at 54. The English Trade Union



Acts have been held to create quasi-corporations -- see 1901 A.C. 426 at 442; (1909) 1 Ch. 163 at 191; 1910 A.C. 87. Labour legislation has been held to be primarily within the power of the province -- see 1925 S.C.R. 505; 1925 A.C. 390; (1925) 2 D.L.R. 5.

"It is the best type of unionism that we are anxious to inculcate and foster. We are satisfied that this Committee is imbued with the same ideals. Any union which has in mind service to its members rather than the mere self-interest of its officers is bound to subscribe to these views. We are glad to collaborate with such unions."

THE CHAIRMAN: Q. When did that desire sweep over your institute? A. What, sir?

THE CHAIRMAN:

"It is the best type of unionism that we are anxious to inculcate and foster. We are satisfied that this committee is imbued with the same ideals. Any union which has in mind service to its members rather than the mere self-interest of its officers is bound to subscribe to these views. We are glad to collaborate with such unions."?

A. We have had a number of directors' meetings, and this brief in draft form, with some differences, was submitted to the members of the board of directors. And the vast majority of the members -- I do not know of any who did not take this view -- took the view that it is no disadvantage to them to have a strong union in the plant and to have good employee representation, for they will



have somebody they can sit down and discuss grievances with, etc.

Q. When did they become solicitous about strong unions, since the incorporation or before the unions began to get strong? A. They were incorporated in May, 1942.

Q. And before that they were not interested in getting strong unions? A. They had an unincorporated association following a meeting called on November 10, 1941, which functioned until the incorporation.

MR. MACKAY: Q. Are the organizations represented in this brief affiliated or associated with the Canadian Manufacturers' Association? A. I believe that a number of the members of our Institute are also members of the Canadian Manufacturers' Association; I do not know exactly how many, but my guess would be about half.

Q. We had a brief from the Canadian Manufacturers' Association, although perhaps not as long as yours?

A. We run our own show over there so far as industrial relations are concerned; we have not attempted to work with the Canadian Manufacturers' Association in that regard, and I have not seen their brief. Then:-

"It should not be overlooked also that the employees in some plants may be well contented without any union organization or representation, do not desire the same, and do not desire any special arrangements to enable them to bargain collectively with their employers. Several of our members are in this happy position at the present time. This is an added reason why collective bargaining should not be made compulsory on all



employers and employees, or at least should be left to be dealt with by detailed regulations to be enacted by a statutory commission as and when circumstances arise.

"We submit herewith a suggested Draft Act which we trust will receive the favourable consideration of the Committee.

"We shall be glad to furnish any further information which may be desired by the Committee and which is within our power.

"All of which is respectfully submitted.

"NIAGARA INDUSTRIAL RELATIONS INSTITUTE."

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MR. FURLONG: Q. With regard to that second last paragraph referring to collective bargaining where you have no union, if it was asked for by a majority of the employees it would not be made compulsory?

A. I see.

Q. It is compulsory only where it is requested by 51 per cent? A. Yes. I had in mind one particular plant, the president of which is here today, Dr. Fox of the Lightning Fastener, where they have had group meetings with employees, and his door is always open to them. They have no collective agreement, but the employees can come and talk about anything they want. A man came up from Ottawa a couple of weeks ago representing the Selective Service to organize a plant council. He was allowed to address the employees for an hour or an hour and a half, and offered to help them to draw up a proper



collective agreement and also a constitution for them,

MR. NEWLANDS: Q. Was he a government official?

A. Yes. Apparently the management-labour plant councils are being sponsored by the Selective Service at Ottawa. After the meeting was over he said: "Are there any questions you would like to ask?" and one man said: "Yes, all I want to know is, if I move from St.Catharines to Vancouver to take a job out there at the request of the government will I get my fare paid?" and somebody else asked a question about the interpretation of the Selective Service regulations; but no one seemed a bit interested about drawing up an agreement or forming a plant council. These employees are all satisfied with the wages and hours of labour, and do not want a plant council or union or agreement.

THE CHAIRMAN: Q. Where you get an employer who is deeply interested in the welfare of his employees and who likes to sit around and deal with them, there is no trouble?

A. There is no trouble there, sir. Three of our members are in that position.

MR. MACKAY: Q. How can you exclude them from the Act? After all, it is pretty hard to differentiate? You have to establish the principle in the Act giving the workers the right to organize in a union of their own selection?

A. My answer is this, Mr. Mackay: We heard references here to municipal employees and civil servants. It is like drawing a will. Your chairman, Mr. Clark, will tell you as a lawyer that when you proceed to draw a will you endeavour to anticipate every possible



eventuality you can, and yet after the testator dies something crops up that was not covered. I think it is going to be very difficult to make an Act that renders collective bargaining compulsory for everybody that will fit every particular case.

Q. If those groups in those three plants you talk about do not seek collective bargaining, they will not have it?

A. If they want it they can have it; there would be no objection to that.

MR. FURLONG: Q. At page 8 of your brief in the first paragraph you say:

"But if a union is not prepared to voluntarily punish those of its members guilty of infractions, the only remedy is to make provision for the collection at law of damages against a union for the acts of its members, exactly as a corporation is liable for the acts of its servants. For this reason, we suggest that unions should be made capable of suing and being sued, and that their members should be considered as servants of the union."

In what country does such a law exist? A. None that I know of, but here is the point: You have a collective agreement with a union supposed to be a strong union representing 75 per cent of your employees, and it deals with the grievance procedure, going from the foreman to the superintendent and from the superintendent to the plant management, and from the plant management to arbitration, and the agreement contains the provision that there shall be no stoppage of work or strike until that procedure is exhausted. Yet a few hot-heads, as



at Ford and in Sydney, without the approval of union officials, take a strike vote and go on strike, which is a deliberate breach of the agreement.

THE CHAIRMAN: Q. Yes, and here is the danger, as far as I can see: You want the dues that have been paid into the union treasury by the level-headed fellows wiped out because of the irresponsible actions of a few hot-heads. That is the big objection to making union funds liable to execution? A. Well, they take the responsibility the same as we do. If they are going to have a valid collective agreement enforceable at law they can sue us if we break it, and if they do not go to arbitration and carry out the grievance procedure I suggest they must take the burdens as well as the benefits.

MR. NEWLANDS: Q. They cannot take you into court if you do not live up to your agreement? A. Not at the moment.

MR. MACKAY: Q. And you have never known of an instance where they could? A. There were one or two cases where they tried to sue but could not sue. The courts held that they had no legal status.

MR. LASKIN: Q. No labour union is asking for the enforceability of collective bargaining agreements. That is the position of both the Trades and Labour Congress of Canada and the Canadian Congress of Labour? A. The reason is that the union has the most potent weapon in its hands to enforce a collective bargaining agreement, namely, a strike, and they can say to management: "If you do not carry out your agreement we will go on strike,"



but what weapon has management?

THE CHAIRMAN: Q. Self-interest on the part of the union is the weapon, because it is like everything else, if you get good management in your union they are smart and intelligent enough to know that they cannot flout public opinion, and that it is against their own interest to violate an agreement? A. I suggest to you with the greatest respect, sir, that when the steelworkers in Sydney, N.S., went out on an unauthorized strike they did not care a rap about public opinion or about the country's requirements with regard to steel for war purposes; they called the strike, and later on got their union officials to approve of it.

MR. NEWLANDS: Q. Mr. Conroy stated that if they had a plant 95 per cent organized they only had a 50-50 chance of winning a strike, in the event of going out on strike? A. That may be. The unions say they are not asking that collective agreements be made enforceable, because they know very well they can enforce them by a threat of a strike. That seems to us to be an unfair position, that we should enter into an agreement which we fully intend to live up to, and which the union can enforce against us by a strike if we do not live up to it, but if the union does not live up to it we can do nothing.

MR. HAGEY: Q. Do not you think that a threat of a strike has disadvantages to both parties? The working man does not want to go on strike, and his employer does not want him to go on strike because there will be



economic disadvantages to both parties? A. Yes. We are not in favour of any strikes, of course. We would like a detailed grievance procedure, and we have it in some of our collective agreements, through all steps up to arbitration by an impartial arbitrator or three arbitrators, who would make a finding binding on both parties and get the matter settled without any talk of a strike until their efforts have been exhausted. That, we think, is fair to both sides. I brought that up in answer to my friend's suggestion that the union were not asking that these agreements be made enforceable.

(page 1051 follows)



THE WITNESS: May I read quickly this draft Act?

THE CHAIRMAN: We do not want to hurry anybody along,

Mr. Keogh.

THE WITNESS: It is called The Labour Unions Act.

THE CHAIRMAN: What do you call it?

MR.KEOGH: You can call it any name you like. We do not care about the name.

"1. THE LABOUR UNIONS COMMISSION is hereby constituted as a body corporate and is hereby empowered and delegated to make regulations for the better carrying out of this Act and in respect of all matters relating to Labour Unions, Labour Organizers, Collective Bargaining and Employer-Employee Relations in the Province of Ontario."

We thought there were so many infinitely different kinds of cases about collective bargaining that ought to be left to detail regulations to be worked out from time to time by a commission.

"2 Such regulations shall come into force upon their approval by the Lieutenant-Governor-in-Council and from and after such approval shall have force and effect as if embodied in this Act.

"3. THE LABOUR UNIONS COMMISSION shall consist of three members all residing in the Province of Ontario who shall be appointed by the Lieutenant Governor-in-Council at such remuneration as he may fix and each of the said members shall hold office during the pleasure of the Lieutenant Governor-in-Council. One of the said members



shall be an industrial employer of labour or when appointed, an officer of a firm or corporation employing labour in industry. One of such members shall be an officer or organizer of a recognized labour or trade union or trade or labour congress or council at present operating in the Province of Ontario. The third member of the Commission shall be neither an employer of labour nor an officer of any employer of labour nor a trade or labour union member, official or organizer. The third member of the Commission shall be an impartial person and shall be the Chairman of the Commission.

4. The Lieutenant Governor-in-Council upon the recommendation of the Commission or failing agreement among the members thereof, upon the recommendation of the Chairman of the Commission, shall appoint a Registrar and Secretary of the Commission who shall be paid such remuneration as the Lieutenant Governor-in-Council may decide and who shall hold office during the pleasure of the Lieutenant Governor-in-Council.

5. No labour union officer, official or organizer, no member of such union and no such union shall carry on in the Province of Ontario any labour or trade union activities, solicit membership, collect membership fees, assessments or dues, organize employees, issue advertisements, hand bills or circulars, distribute hand bills,



picket, negotiate or enter into collective bargaining agreements or engage in any other labour or trade union activities unless and until such officers, officials, organizers and unions have first obtained a license from the Commission under this Act.

6. The fee for such license shall be \$1.00 per year or such further and other amount as the Commission may by regulation establish from time to time.

7. Any license or temporary license issued under this Act may be cancelled by the Commission or a majority thereof at any time for any violation of this Act or of the regulations made thereunder or for any conduct or practice which in the opinion of the Commission or the majority thereof constitutes a breach of any collective agreement, misrepresentation, fraud, picketing with violence, unlawful assembly, intimidation, assault, unfair labour practices, breach of trust, misuse of union funds or any breach of this Act or of the regulations made thereunder or of the Criminal Code of Canada.

8. The decision of the Commission or of the majority thereof cancelling or refusing to cancel such license, shall be subject to appeal by any person aggrieved or interested, to a Judge of the Supreme Court sitting in the Weekly Court at Toronto on seven clear days' notice in writing to the other party concerned



and to the Registrar of the Commission.

9. The decision of such Judge in the Weekly Court upon such appeal shall be subject to a further appeal to the Court of Appeal for Ontario in accordance with the usual practice of the Supreme Court of Ontario upon appeals from final judgments in the Weekly Court and the decision of the Court of Appeal of Ontario upon such further appeal shall be final and binding upon all the parties thereto and upon all persons interested therein including the Commission and the Registrar thereof.

10. Every union, union local and any other voluntary association of employees licensed under this Act shall be a legal entity and shall have power to sue in its name, shall be capable of being sued in its name, shall have power to contract in its name, to hold property in its name, to act by its officers, enter into contracts and execute agreements in its name by the hands of its officers, the whole in the same manner as a corporation duly incorporated under the provision of the Ontario Companies Act. Affidavits and other documents required in any Court proceedings on behalf of such union or association may be signed or executed on its behalf by any official, officer or organizer thereof and service of any legal process on any such union or association may be effected by serving the same upon any official, officer or organizer thereof.



11. Every union or association applicant for a license under this Act shall file with the Registrar an application in such form and containing such information as may be approved by the Registrar, which application shall be signed by any two of the duly authorized officials, officers or organizers of such union or association and shall be accompanied by a list of the paid-up members of such union local or association as of the date of the application together with their names, addresses and places of employment; a true copy of its constitution and by-laws, a list of the duly authorized officials, officers and organizers of such union local or association together with their names and addresses and a financial statement setting forth the assets and liabilities of such union local or association for the last calendar year preceding such application and also setting forth a statement of the payments by such union local or association during such calendar year to any other union or labour organization whether within or without the Province of Ontario. All of such lists and statements shall be accompanied and verified by a certificate of a chartered accountant authorized to carry on the practice of his profession in Ontario or a statutory declaration of two of the authorized officials, officers or organizers of such union local or association.

12. Every individual applicant for a license



under this Act shall file with the Registrar an application in such form and containing such information as may be approved by the Registrar, signed by such applicant accompanied by a statutory declaration signed by two of the duly authorised officers of the applicant's union local or association that such applicant is a paid-up member in good standing of such union local or association, resides in the Province of Ontario and that such union local or association approves of the issue of a license under this Act to such applicant as representing such union local or association.

13. All applications, lists, statements, statutory declarations and other information filed with the Registrar pursuant to this Act or to the regulations made thereunder, shall be privileged and confidential and shall not be liable to inspection or production in proceedings in any court or by any member of the public but the Registrar upon request and upon payment of a fee of \$2.00 for each certificate shall certify to any employer, to the official of any employer, to any union or association or to any official, officer or organizer of any union or association, the number of paid-up members of any union or association in any one plant or factory or employed by any one employer and shall also certify in the same manner upon request by any of the aforesaid individuals, whether or not any union or



association or any official, officer or organizer thereof is licensed under this Act."

Our thought was that one union might not like to make its records available either to the employer or to some other union. In this way only a government official sees them and they are kept secret.

"14. It shall be a condition of any license granted to any union or association that within each period of six months after the granting of this license or at such other times as may be fixed by the regulations, such union or association shall file supplementary lists, statements and declarations bringing up to date in the office of the Registrar all the information required to be filed by it in respect of its application for a license under this Act.

15. Notwithstanding anything in this Act or in the regulations made thereunder, no employer shall be required to enter into collective bargaining negotiations or to negotiate, execute or renew any collective bargaining agreement with any union or association or with any official, officer or organizer thereof on behalf of his employees or a portion of his employees unless and until there is first produced to him for his inspection by such union or association or some official,



officer or organizer thereof a certificate of the Registrar certifying the number of employees employed in the plant or factory of the employer who are paid-up members in good standing of such union or association and a certificate of the Registrar that such official, officer or organizer of such union or association and such union or association are licensed under this Act, and unless and until such certificate shows that not less than 51% of his employees (excluding salaried and office employees and supervisors of and above the rank of foreman or comparable rank) are paid-up members in good standing of such union or association.

In other words, if I am an employer and a union organizer comes to me and wants me to negotiate a collective agreement I do not have to go through the disturbing influence of a vote in the plant. I can say to him "Show me the Registrar's certificate and if it shows 51% of my employees we can sit down and do business."

THE CHAIRMAN: That is not what you say.

THE WITNESS: In terms the section does not say if there is 51% there shall be, but it was intended that would be covered by detail regulations in the first section setting out the different kinds of collective bargaining.

"16. All officials, officers, members and organizers of any union or association, shall be conclusively deemed to be servants of the union or association of which they are such members."



That deals with the point raised by counsel for the Committee before. The purpose of that is to make the unions legally liable for all unauthorized acts of their officers or members in breach of agreements.

"17. Unless the context otherwise requires, the following words in this Act shall have the following meanings: in addition to their common and generally accepted meanings:

(a) 'Union', 'Labour Union', 'Trade Union' and 'Association' shall mean and include every union local in the Province of Ontario conducting labour activities therein, holding a charter from any Canadian, American or International labour body or from the Trades and Labour Congress of Canada, The American Federation of Labour, The Congress of Industrial Organizations, The Canadian Congress of Labour, any independent union, and any other voluntary unincorporated organization of employees organized on the basis of craft, trade, occupation, plant, factory or industry, whether affiliated with any of the said bodies or not, including any such organization which is limited in membership to the employees of one plant or factory.

(b) 'Employer' shall mean and include any person, firm or corporation employing more than ten employees."

We fixed the figure ten after some discussion, because we thought where you had only five or less they were



all so close to the foreman or superintendent they did not need to be included in any proposed legislation, and you have to draw the line somewhere.

THE CHAIRMAN: You do not have foremen or superintendents where there are eight or nine employees.

THE WITNESS: They all know the boss and call him by his first name. We show a bit of self-interest there because there are one or two law firms of which I know who have ten or less employees -- or pretty close to ten. I did not think they needed collective bargaining -- or maybe we need it more than anybody else, I do not know.

"18. The Commission shall have power to appoint investigators to:-

(a) inspect all of the books and records of any union and all unions shall produce all of their books and records for inspection by such investigator at any time upon production by him of his appointment signed by the Commission.

(b) inspect the records of any employer showing the number of employees in his employ, and all employers shall produce such records for inspection by such investigator at any time upon production by him of his appointment signed by the Commission."

THE CHAIRMAN: That just says he shall show the number of employees. It does not say that they will inspect his books and all other things.

THE WITNESS: The purpose of that is just to check the accuracy of the list of the paid-up members of employees and to arrive at the percentage for the



Registrar's certificate. It was not intended it should be a general audit or a cost accounting, or anything like that. It is only to check the employees, to enable the Registrar to give a certificate, and it is a check on the accuracy of the returns filed.

"19. Any breach of this Act or of the regulations made thereunder shall constitute an offence punishable by a fine of from \$100.00 to \$1,000.00 or imprisonment for any term of not less than one month and not more than six months, or both. A union shall be liable to a maximum fine of \$2,000.00. Such penalties shall be recoverable under the Summary Convictions Act."

You see, there are fines ranging from \$100.00 to \$1,000.00.

MR. HAGEY: Why the discrimination?

THE WITNESS: The reason I have the unions liable for a maximum fine of \$2,000.00 is that it was not altogether in animus, but you cannot put a union in jail. Unions have not any arms or any legs, although they have lots of members.

MR. HAGEY: You cannot put a corporation in jail, either.

THE WITNESS: No. In criminal Acts they double the fine on the corporation.

THE CHAIRMAN: You did not overlook that.

THE WITNESS: I did not overlook that, because I say if there was only a small fine for individuals, say a \$100.00 fine on a union they might break it with immunity because they could levy an



assessment on their members. Thereby they could break it.

MR. MACKAY: Corporations may break an agreement or commit a breach and you only show them as being fined \$100 to \$1,000.00.

THE WITNESS: It should be "A union or a corporation shall be liable to a maximum fine." I agree with that.

"20. This Act shall be deemed to confer civil rights and remedies, in addition to such penalties."

That was because the Court of Appeal in two or three cases said that where there was a fine it did not concern civil rights.

Then we mention this -- and I did not have it in the Act originally:-

"21. Any three employees of one employer may apply in writing to the Commission for a temporary license valid for one month, solely for the purpose of organizing a union or association, and shall within ten days after such one-month period comply with all the requirements of this Act. The fee for such temporary license shall be \$1.00 and the application therefor shall contain such information as may be approved by the Registrar."

So, they cannot get licenses until they file a list of their paid-up members, and this is to give them a chance to organize and get the paid-up members.



"22. This Act may be cited as 'The Labour Unions Act'."

THE CHAIRMAN: I was wondering if you had Mr. Roebuck or Mr. Brewin draft that.

THE WITNESS: No. I know Mr. Brewin better than I know Mr. Roebuck, but they did not have anything to do with it. We thought we should, in making our representations to this committee, go as far as we possibly could, along these lines having regard to the collective opinion of our members. That is what we did. We had a number of meetings on it, and things were added and things were taken out.

Those are the representations of the members of the Niagara Industrial Relations Institute.

If there are any questions I will be only too glad to answer them.

I wish to thank the committee very much for listening to me patiently for such a period of time.

THE CHAIRMAN: I have just read it over once, but, does the Act not go even further than the brief?

THE WITNESS: Well, the fines are not mentioned in the brief, but you have to have some fines. I submit it carries out the general effect of the brief, that they must prove evidence of 51% paid-up members and they must be licensed so as to control them.

THE CHAIRMAN: Do you not think that is a lot for interior management? If there are now any unions in which the officials are not behaving properly there is enough common sense and brains in the rank and file of the union members to get after the rogues and hoist



them out after a while.

THE WITNESS: That is the civil liability end of it. Personally, I do not stress that as much as the fact that they have to produce evidence of paid-up membership of 51%.

That, plus---

THE CHAIRMAN: Even with that, they may only have a certain percentage of members who want a board, or an investigation, or a vote or something, and if they have a secret ballot instead of ten or fifteen percent. they may get fifty or sixty per cent. If the principle is sound, what is the difference if they do not have over 51%, as you put it? If they do not have it they are going to lose it anyway, and the non-union men, if they are in the majority, will elect the representatives to talk with the management. Is that not so?

THE WITNESS: Yes. There is not a great deal of difference except they get a vote for representation purposes which shows 80%, and maybe the truth is that they only have 25%. We are being asked then to negotiate with a group which claims sole bargaining rights on behalf of all the employees, and in respect of which group only 25% of our employees have enough confidence in it to join it and pay their monthly dues of \$1.00 or whatever it is.

THE CHAIRMAN: Will they not right that condition themselves, in a short time?

THE WITNESS: They may or they may not, but I am suggesting that you have to draw the line somewhere.



We could not be asked this week to negotiate with a union of 20%, next week with an A.F. of L. union of 30%, and the week following with 30% of our employees who are not in any union. Theoretically, you negotiate an agreement with a union, we will say, when in fact it is on behalf of all your employees whether or not they are members of a union. You cannot turn around and use non-union men differently from union men. The committee may say 45, or 52, or 35, but we did have some discussion at our meetings that 51% was fair. Of course, that is for the committee to decide.

I think if you have a statutory commission, like the Real Estate Commission, by which the real estate agents are licensed, or the insurance agents, or the securities agents and brokers, and so on, you have a body which is there all the time with which you are dealing, and if something new comes up they can pass a regulation which might be necessary to expand and take care of it. To attempt to set out in an Act detail machinery which will take care of every possible kind of employer and every possible kind of employee group, you have a very difficult job. I would suggest this is a reasonable way to have that worked out, with regulation by an impartial commission, with two rights of appeal.

MR. LASKIN: I appreciate Mr. Keogh's frankness in saying he went as far as he could.

Q. Have you contemplated the imposition of any obligations on the employer? A. Yes. I contemplate that there will be detail regulations passed by this committee relating to collective bargaining.



Q. Would it not have been just as reasonable to leave your detail regulations to the unions? A. Yes. That could have been done.

Q. We do not get the picture of your basis of the extent to which employers have to go.

A. In a nutshell we say that if we are given, through a certificate of the Registrar, or in some other matter, evidence that a union has 51% of our employees paid-up members of that union, we will sit down with them and negotiate collective agreements.

Q. You say that can be made compulsory under the Act? A. Yes. I think perhaps that section should be made stronger, as the chairman points out. That can be made compulsory. It was the intention that it would be covered by detail regulations as mentioned in the first section.

Q. In drawing up this Act I do not know whether or not you took into account the experience of any other jurisdiction? A. No. I just considered some

of the cases here and in England under The Trades Union Act in England and under the Dominion Trades Union Act, which has been more or less defunct for years.

Q. You appreciate that under the English Trades Union Act trade unions have an immunity from suit?

A. Yes, from certain kinds of suit.

Q. Anything in connection with any labour dispute?

A. Yes. They cannot be sued for that.

Q. You are not prepared to go that far? A. No.

I say they should be made liable so they can be sued for



breach of a collective agreement. If they call a strike contrary to their agreement before they have exhausted the arbitration and grievance procedure I say on behalf of our Institute we should be entitled to sue them for damages.

Q. Do you think that would contribute to industrial peace -- dragging the matter through the courts?

A. Yes. They cannot be sued in court. They can sign an agreement with me tomorrow and next week break it with immunity and I have no legal redress except to put an advertisement in the newspapers, maybe, which I think is a very bad industrial relations policy.

Q. Would you object to a provision in a measure of this sort to prevent to employer in any way influencing organization?

A. No. It is in the Criminal Code and we agree with that. There will be no discrimination, intimidation, dismissals or anything of that kind for union activity. It is in the Criminal Code now.

THE CHAIRMAN: And you could not get a conviction to save your life.

MR. LASKIN: Yes. In Quebec---

THE CHAIRMAN: Have you had one?

MR. LASKIN: Yes.

THE CHAIRMAN: I mean under the Criminal Code.

MR. FURLONG: That completes the work for this afternoon, Mr. Chairman.

THE CHAIRMAN: Then, we will now adjourn until 10.30 tomorrow morning, gentlemen.

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---Whereupon, on the direction of the chairman, the committee adjourned at 4.10 p.m. until 10.30 a.m., Tuesday, March 16th, 1943.

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